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Statutes
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Ontario Statute

STATUTES

OF THE

Wm. Howland

PROVINCE OF ONTARIO,

PASSED IN THE SESSION HELD IN THE

THIRTY-THIRD YEAR OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA,

BEING THE THIRD SESSION OF THE FIRST PARLIAMENT OF ONTARIO,

BEGUN AND HOLDEN AT TORONTO, ON THE THIRD DAY OF NOVEMBER, IN THE
YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SIXTY-NINE.

1869.



212091
a. 5. 27

HIS EXCELLENCY
THE HONOURABLE WILLIAM PEARCE HOWLAND, C.B.,
LIEUTENANT-GOVERNOR.

Toronto:
PRINTED BY ALEXANDER GORDON,
LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.

ANNO DOMINO 1870.

ALEX. GORDON,
LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.



ANNO TRICESIMO-TERTIO.

VICTORIÆ REGINÆ.

CAP. I.

An Act for granting to Her Majesty certain sums of money required for defraying the expenses of Civil Government for the year one thousand eight hundred and seventy, for making good certain sums expended for the Public Service in the years one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, and for other purposes.

[Assented to 24th December, 1869.]

MOST GRACIOUS SOVEREIGN :

WHEREAS it appears by a Message from His Excellency Preamble.
the Honourable William Pearce Howland, C.B., Lieutenant-Governor of the Province of Ontario, and the Estimates accompanying the same, that the sums hereinafter in the schedules A, B and C to this Act mentioned, are required to defray certain expenses of the Civil Government of this Province, and of the public service thereof, and for other purposes, for the year one thousand eight hundred and seventy, and to make good certain expenditures in the years one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine ; May it therefore please your Majesty that it be enacted, and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows :—

1. From and out of the Consolidated Revenue Fund of this Province there shall and may be paid and applied a sum (not exceeding in the whole) of one million nine hundred and ninety-nine thousand five hundred and fifty dollars and eight cents, for defraying the several charges and expenses of the Civil Government of this Province for the year one thousand eight hundred and sixty-nine, and to make good certain expenditures in the years one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine ;

\$1,999,550.08
appropriated
out of Con. Rev. Fund, for
expenses of
Civil Govern-
ment, etc., for
1870.

hundred and seventy, and for other purposes, as set forth in schedule A, to this Act annexed; Provided always that any appropriation which shall be unexpended on the thirty-first day of December, in the year one thousand eight hundred and seventy, shall become void and of no effect.

\$183,009.04
appropriated
out of Con.
Rev. Fund for
expenditures
on account of
Public Service
and the
Municipalities
Fund.

2. There shall be charged to the Consolidated Revenue Fund of this Province the sum of one hundred and eighty-three thousand and nine dollars and four cents, to make good certain payments and expenditures made and expended by the Treasurer on account of the public service of this Province and the Municipalities Fund, in the years one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, as set forth in schedule B to this Act annexed.

\$43,180.02 to
make good
expenditures
by the Govern-
ment of Cana-
da on account
of this Pro-
vince.

3. There shall be charged to the Consolidated Revenue Fund of this Province the further sum of forty-three thousand one hundred and eighty dollars and two cents, to make good the payments and expenditures made and expended by the Government of Canada, on account of the Province of Ontario, during the years one thousand eight hundred and sixty-seven and one thousand eight hundred and sixty-eight, and to the thirtieth day of September, of one thousand eight hundred and sixty-nine, as set forth in schedule C to this Act annexed.

Accounts to be
laid before
Parliament.

4. Accounts in detail of all moneys received on account of this Province, and of all expenditures under this Act, shall be laid before the Legislative Assembly at its next session.

Account to
Her Majesty.

5. The due application of all moneys expended under this Act shall be accounted for to Her Majesty.

SCHEDULE A.

SUMS granted to Her Majesty by this Act for the year 1870, and the purposes for which they are granted.

S E R V I C E.	Amount.	Total.
CIVIL GOVERNMENT.	\$ cts.	\$ cts.
<i>The Salaries and Contingencies of the several Departments at Toronto:—</i>		
Government House	2,415 00	
Lieutenant-Governor's Office	2,700 00	
Executive Council Office	2,030 00	
Attorney General's Office	8,165 00	
Treasury Department	11,140 00	
Secretary and Registrar's Office.....	11,770 00	
Department of Agriculture and Public Works.....	13,540 00	
Crown Lands Department.....	40,245 00	
Miscellaneous	18,965 00	
Total Civil Government.....		110,970 00
LEGISLATION.		
Total for Salaries, contingent and other expenses, as per details given in the Estimates for 1870		75,615 00
COLONIZATION ROADS.		
Total for construction and repairs.....		50,000 00
ADMINISTRATION OF JUSTICE.		
Court of Chancery	15,759 00	
Court of Queen's Bench	6,950 00	
Court of Common Pleas	4,650 00	
Criminal Justice.....	122,000 00	
Miscellaneous Justice	44,700 00	
Total, Administration of Justice.....		194,059 00
PUBLIC WORKS AND BUILDINGS.		
<i>Capital Account.</i>		
London Lunatic Asylum	190,205 92	
Toronto do	26,132 94	
Deaf and Dumb Institution	40,719 98	
Asylum for the Blind	75,000 00	
Government House.....	33,001 83	
Reformatory, Penetanguishene	8,000 00	
Court House and Gaol, Sault Ste. Marie.....	2,500 00	
Lock on Rosseau River, Muskoka	28,046 14	
Lock at Young's Point	19,244 55	
Lock between Balsam and Cameron Lakes.....	19,670 45	
Improvement of Navigation, Scugog River	21,000 00	
Cut between Lakes Joseph and Rousseau.....	10,000 00	
New Road between Washago and Gravenhurst.....	25,000 00	
Surveys and Drainage of Swamp Lands.....	200,000 00	
Total Public Works and Buildings (Capital Account).....		698,521 81
<i>Carried forward.....</i>		\$1,129,165 81

S E R V I C E .	Amount.	TOTAL.
	\$ cts.	\$ cts.
<i>Brought forward</i>		1,129,165 81
MISCELLANEOUS PUBLIC WORKS (Capital—Special).		
Surveys, Inspections, Arbitrations and Awards, and charges not otherwise provided for	4,000 00	
For repairs to and maintenance of Brock's Monument and grounds adjacent.....	1,000 00	
Total Miscellaneous (Special).....		5,000 00
ASYLUM MAINTENANCE.		
Provincial Lunatic Asylum, Toronto	83,177 00	
Malden Asylum.....	29,495 00	
Orillia do	17,026 00	
Rockwood do	28,600 00	
Deaf and Dumb Institute,.....	5,000 00	
Total for Asylum Maintenance		163,298 00
REFORMATORY.		
Total for maintenance as per details in Estimates for the year 1870		22,478 00
AGRICULTURE AND ARTS.		
Electoral Division Societies, 73 at \$700.....	51,100 00	
Do 1 at \$550.....	550 00	
Do 7 at \$350.....	2,450 00	
Fruit Growers' Association.....	350 00	
Agricultural Association	10,000 00	
Mechanics' Institutes.....	5,000 00	
Total for Agriculture and Arts		69,450 00
IMMIGRATION.		
Total for this service		24,700 00
HOSPITALS AND CHARITIES.		
(Upon condition that each Institution shall have returned to the Provincial Secretary such particulars for the year 1869, as may be required in the form furnished by him. And are inspected and reported upon by the Prison Inspector.)		
Aid to Toronto Hospital	6,400 00	
Do for County Patients.....	4,800 00	
" House of Industry, Toronto.....	2,900 00	
" Protestant Orphans' Home and Female Aid Society, Toronto	640 00	
" Roman Catholic Orphan Asylum, Toronto.....	640 00	
" Lying-in-Hospital do	480 00	
" Magdalen Asylum do	480 00	
" House of Providence do	320 00	
" Girls' Home and Public Nursery do	320 00	
" Boys' Home do	320 00	
" Eye and Ear Infirmary do	1,000 00	
" General Hospital, Kingston	4,800 00	
" House of Industry and Refuge for Indigent Sick, Kingston.....	2,400 00	
" Orphans' Home, Kingston.....	640 00	
" Hotel-Dieu Hospital do	800 00	
" General Hospital, London.....	2,400 00	
" City Hospital, Hamilton	4,800 00	
" Roman Catholic Orphan Asylum, Hamilton	640 00	
" Orphan Asylum and Ladies' Benevolent Society, Hamilton	640 00	
<i>Carried forward</i>	\$35,420 00	\$1,414,091 81

S E R V I C E .	Amount.	TOTAL.
	\$ cts.	\$ cts.
<i>Brought forward</i>	35,420 00	1,414,091 81
<i>HOSPITALS AND CHARITIES—Continued.</i>		
Aid to Protestant Hospital, Ottawa	1,200 00	
“ Roman Catholic Hospital, Ottawa	1,200 00	
“ St. Patrick's Orphan Asylum, Ottawa	480 00	
“ Protestant Orphan Asylum, do	480 00	
“ St. Joseph's Orphan Asylum, do	480 00	
“ Deaf and Dumb, 9 months.....	2,250 00	
“ General Hospital, St. Catharines.....	1,000 00	
Total for Hospitals and Charities		42,510 00
<i>LITERARY AND SCIENTIFIC INSTITUTIONS.</i>		
Aid to Canadian Institute, Toronto.....	750 00	
“ do Ottawa	300 00	
“ Athenæum, do	300 00	
Total for Literary and Scientific Institutions.....		1,350 00
<i>EDUCATION.</i>		
Common and Separate Schools	170,000 00	
Poor Schools.....	6,000 00	
Normal and Model Schools, Salaries.....	10,842 00	
Do Contingencies.....	5,850 00	
Grammar Schools	57,500 00	
Libraries, Apparatus and Prizes	32,500 00	
Depository, Salaries	3,090 00	
Do Contingencies	819 00	
Superannuated Teachers	6,500 00	
Museum	3,778 43	
Journal of Education	1,800 00	
Grammar School Inspection.....	2,000 00	
Education Office, Salaries.....	11,813 00	
Do Contingencies.....	1,983 00	
Total for Education.....		314,475 43
<i>UNFORESEEN AND UNPROVIDED.</i>		
To meet unforeseen and unprovided expenses		20,000 00
<i>CHARGES ON REVENUE.</i>		
Dominion Arbitration	10,000 00	
Miscellaneous	8,750 00	
Crown Lands Expenditure	105,400 00	
Boundary Survey	4,000 00	
Total Charges on Revenue.....		128,150 00
<i>MUNICIPALITIES' FUND.</i>		
Collections from sales of Clergy Reserves in 1869, to be paid away in 1870	\$98,716 05	
LESS—20% for cost of management.....	19,743 21	
Total for Municipalities' Fund		78,972 84
Total.....		1,999,550 08

SCHEDULE B.

SUMS granted to Her Majesty by this Act, to make good certain Payments and Expenditures for the years 1868 and 1869, and a statement of the purposes for which they are granted.

SERVICE.	Amount.	TOTAL.
	\$ cts.	\$ cts.
SERVICES OF 1868.		
<i>To cover amounts expended in excess of appropriations, as per Public Accounts, 1868 :—</i>		
CROWN LANDS EXPENDITURE—Refunds.....	3,229 39	
LEGISLATION—Salaries	2,006 01	
ADMINISTRATION OF JUSTICE—Deputy Clerks of the Crown and Pleas	400 00	
PUBLIC WORKS AND BUILDINGS—Building, Repairing, &c.....	523 81	
LUNATIC ASYLUMS—Malden Asylum	748 69	
Total for 1868.....		6,907 90
SERVICES OF 1869.		
CROWN LANDS EXPENDITURE.		
Refunds—Excess of payments over estimate.....	3,065 70	
LEGISLATION.		
Increase in indemnity to Members, including mileage, \$8,900 00		
For expenditure in excess of appropriation for Postages and cost of House Post Office to 30th Sept., 1869, \$203.48, and additional for remainder of 1869, \$1,250	1,453 48	
For expenditure in excess of appropriation for Stationery, Printing, &c., to 30th Sept., \$5,109.60, and additional for remainder of 1869, \$5,390.40....	10,500 00	
	20,853 48	
Voted for 1869.....	\$57,825 00	
Additional required.....	20,853 48	
Total Legislation, 1869	78,678 48	
IMMIGRATION.		
<i>Expenditures in excess of Appropriation, viz :—</i>		
Postages, telegrams, cleaning sheds, &c.....	\$388 22	
Posters, pamphlets, agricultural journals, circulars, schedules, &c., for distribution in Europe and Canada	13,937 56	
Railway, steamboat and express freight.....	294 01	
Carried forward.....	14,619 79	
Carried forward	23,919 18	6,907 90

SERVICE.	Amount.	TOTAL.
<i>Brought forward</i>	\$ cts. 23,919 18	\$ cts. 6,907 96
IMMIGRATION— <i>Continued.</i>		
<i>Expenditures in excess of Appropriation, viz. :—</i>		
<i>Brought forward</i>	14,619 79	
Remuneration and expenses of Emigration Commissioner to Europe.....	3,000 00	
Provisions for indigent Immigrants at the Toronto, Hamilton, Ottawa and Kingston Agencies.....	2,493 74	
Medical and undertakers' expenses.....	134 67	
Transport, including railway, steamboat and land conveyance	3,653 80	
Extra clerk and messenger hire, and service of sub-agents	398 00	
Required to complete the service of the year.....	1,000 00	
	25,300 00	
LESS—Amount of appropriation.....	10,000 00	
	15,300 00	
MUNICIPALITIES' FUND.		
<i>To cover the distribution during the year 1869 :—</i>		
Amounts collected during the half-year of 1867 and the year 1868	171,831 74	
LESS—Refunds and 20 per cent. cost of management.....	34,949 78	
	136,881 96	
Total for 1869.....		176,101 14
Total for 1868 and 1869, and Municipalities' Fund, paid away.....		183,009 04

SCHEDULE C.

SUMS granted to Her Majesty by this Act, to make good certain payments and expenditures made and expended by the Government of Canada on account of the Province of Ontario, during the years 1867 and 1868, and to the 30th September, 1869, and the purposes for which they are granted.

S E R V I C E .	Amount.
CIVIL GOVERNMENT.	\$ cts.
M. Smith, caretaker Government House, Toronto, Dec., 1867, and Jan., 1868..	50 00
LEGISLATION.	
Election expenses, Algoma.....	62 75
EDUCATION.	
Pay list, Education Department, December, 1867	841 66
PUBLIC WORKS AND BUILDINGS.	
Algoma Court House and Gaol, etc.....	4,725 74
LUNATIC ASYLUMS.	
Payments, &c., for maintenance for the month of December, 1867, Orillia and P. L. A., Toronto	2,562 98
ADMINISTRATION OF JUSTICE.	
Salaries of Deputy Clerks of the Crown and Pleas for quarter ending 31st December, 1867	3,025 00
MISCELLANEOUS JUSTICE.	
Sundry items detailed in Statement appended to Estimates for the year 1870 ...	3,991 62
Services of Deputy Clerks of the Crown and Pleas, as Clerks of Assize at the Autumn Assizes of 1867, as detailed in the said statement appended to the said Estimates	635 91
AGRICULTURE.	
Percentage retained from the grant to Agricultural Societies in 1867, for Agricultural instruction—paid	1,144 33
CHARGES ON REVENUE.	
Salary of Clerk of Consolidated Municipal Loan Fund, from 1st July, 1867, to 1st July, 1869, at \$1,150 per annum.....	2,300 00
UPPER CANADA BUILDING FUND.	
Payments made on account of the said Fund, and Marriage Licenses belonging to said Fund, during 1868 and to 30th September, 1869, as detailed in said statement appended to the said Estimates.....	34,259 62
	53,599 61
LESS—Amount voted for part of above items in Appropriation Act for 1869.....	9,919 59
Total.....	43,680 02

CAP. II.

An Act to authorize the advance of Public Money to a limited amount, to promote the improvement of Land in Ontario by Works of Drainage.

[Assented to 24th December, 1869.]

WHEREAS considerable tracts of land situated in certain Preamble.
Counties in the Province of Ontario, are now lying in a state of comparative unproductiveness for want of drainage; and the productiveness and value of such land is capable of being greatly increased by drainage; and whereas the extension of the operation of drainage is calculated to promote the employment and to increase the effectiveness of agricultural labour, and tends also to prevent disease and to improve the general health of the community; and whereas it is expedient to facilitate works of drainage by advances of public money to a limited amount on the security of the land to be improved: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Treasurer of Ontario may, with the authority of the Lieutenant-Governor in Council, advance out of the public moneys of the Province any sum or sums of money not exceeding in the whole the sum of two hundred thousand dollars, to be expended in improvements in the way of drainage, to be carried on under the provisions of an Act of this Province, passed in the session held in the thirty-second year of the reign of Her Majesty Queen Victoria, and intituled "An Act respecting the Public Works of Ontario."

Treasurer may advance moneys to be expended in drainage.

Improvements to be made under 32 Vic., ch. 28.

2. The Commissioner of Public Works shall cause a separate account to be opened in the books of his Department, in which shall be regularly entered a true and exact statement of all sums of money received, paid and expended about any drainage, or improvement by means of drainage, embankment or other work in connection with drainage, made under the provisions of the aforesaid Act, and of the several articles, matters or things for which any sum of money shall have been disbursed and paid.

Commissioner of Public Works to keep accounts.

3. As soon as conveniently may be, after any works for the drainage or improvement of any land authorized to be executed under the aforesaid Act shall have been completed, the said Commissioner shall draw up an instrument in writing which shall describe the land so drained or improved, the work or works which shall have been so completed, the several lots or parcels of land, the reputed proprietors thereof respectively, and

Commissioner to make report of improvements and send the same to the arbitrators.

and the amount of the sums which shall have been expended in and about the works so executed, including all expenses incident thereto and interest upon all payments; and he shall transmit said instrument, together with all such maps, plans, sections and other documents, or information as may seem necessary, to the Arbitrators under the aforesaid Act.

Arbitrators to inspect the lands and prepare draft of an award.

4. Upon receiving the instrument, plans, maps and other documents as aforesaid, the said Arbitrators shall visit and inspect the said lands, and thereafter shall prepare the draft of an award, setting forth the proportions of the total amount of the sums which shall have been expended as aforesaid which ought to be payable in respect of the several parcels or lots of the land so drained or improved, together with all such other determinations or things as they may find necessary; and the said draft of award shall also specify the proportion in which the said several parcels or lots, and the proprietors thereof shall in future be annually charged towards the costs and expenses which may from time to time be incurred in maintaining, cleansing and keeping in repair the drains and drainage works executed as aforesaid.

Draft of awards to be printed and distributed to parties concerned, and deposited with County Registrar.

5. As soon as conveniently may be after preparing the said draft of their award, the said Arbitrators shall cause such draft to be printed for distribution to all parties concerned, and shall cause a printed copy thereof to be deposited with the Registrar for every County or Riding wherein the land or part thereof so drained or improved may be situate; and such Registrar is hereby required to receive and file the same, and all persons shall have liberty to inspect the same on the payment of ten cents; and when such draft of the award has been so deposited, the said Arbitrators shall cause a notice to be inserted in the *Ontario Gazette*, and once weekly for three successive weeks in one or more newspapers published in the county or riding in which the said land or part thereof is situated, which notice shall require all persons interested who may desire to lodge objections to the said award to transmit the same to such address and within such time as may be pointed out in the said notice, and shall specify a time and place (the said time not being sooner than one calendar month from the first publication of such notice), at which they will proceed to hear any objections that may be lodged.

Notice of draft of award to be advertised.

Requisites of the notice.

Arbitrators shall examine into objections, hear evidence and may alter award.

6. The said arbitrators shall attend at such time and place as shall have been so appointed, and shall examine into the matter of any objection which shall be so lodged, and shall hear all such proper evidence as may be offered to them in respect thereof, and shall make such alterations (if any) in the said award as they shall think fit, and may adjourn such attendance from time to time, until they shall finally settle and sign such award.

7. Every award when finally settled, signed and sealed by the said Arbitrators, with a proper map or plan annexed thereto, describing the township and the several lots or parcels of land to which such award shall relate, shall, within one month after the same has been finally settled, be deposited with the said Commissioner of Public Works, and a duplicate of the same shall be deposited with the Registrar of the county or riding in which the said lands are situate, or if they be situate in more counties or ridings than one, then with the Registrar of each of the said counties or ridings; and the said Registrar is hereby required to receive the same, and to indorse thereon the date at which it is so deposited with him, and to deposit the same amongst the records kept by him; and such award, when so finally settled and deposited, shall be binding and conclusive on all parties, and a copy thereof certified by any such Registrar shall be evidence that it was duly made.

Final award with plan annexed to be deposited with the Commissioner.

Duplicate to be deposited with County Registrar.

Duties of Registrar.

Evidence of the award.

8. The said arbitrators shall at the same time cause to be delivered a copy of such final award to the clerk of every township, town or village municipality in which such lands so drained or improved are situated, to remain for ever deposited with the records of such municipality, and to be open to inspection to any party on payment of ten cents for every inspection thereof; and the Council of every such municipality shall cause or order, by by-law, that the amount of money required to be collected and charged on the several lots or parcels of land situated and lying within said municipality, as set forth in the said award, shall be added in the next Collector's roll for such municipality that shall be issued after the receipt of the copy of the said award, for the purpose of being collected and paid over, as in the next following section is mentioned.

Copy of award to be deposited with township Clerks, etc.

Municipal Councils to collect the money required by the award.

9. The respective sums of money which by the aforesaid award shall be specified as the proportions or contributions payable in respect of the several parcels or lots of land so drained or improved by drainage, or by any works under the aforesaid Act, towards the total amount of the sums expended in and about such drainage, or improvements as aforesaid, shall be charged on such several parcels or lots of land, and that, in preference to, and with priority over all incumbrances on such land, in manner following, that is to say, each several parcel or lot of such lands shall be charged with a payment to Her Majesty of a rent-charge after the rate of seven and sixty one-hundredths dollars per cent. per annum rent for every one hundred dollars charged on such several parcels or lots, and so in proportion for any lesser amount, and to be payable for the term of twenty-two years, to be computed from the first day of January which shall next happen after the date of the said award, such rent-charge to be paid on the first day of January in every year, the first of such payments to be made on the first day of January that shall happen next after the final settlement or publication of the said award.

How the money shall be charged on the lands.

How the rent charge shall be entered in the collector's roll, collected, and recovered.

The amount to be remitted to the Treasurer of Ontario.

The Municipal Council to levy a sum each year for the payment of the rent charge.

The rent charge to be the first charge on the funds of the Municipality.

Except for current disbursements and salaries, no payment to be made until after payment of the rent charge.

Penalty for paying out moneys contrary to this Act.

When lands are under lease, arbitrators to determine the amount of increased rent or tax.

10. Every rent charge which shall have become charged on land by virtue of this Act, shall, except as hereinafter provided, be entered by the clerk of the Municipality in which the said land is locally situate, in a column of the Collector's Roll, to be headed "Charge under Drainage Act," and shall be collected and be recoverable by the Council of the said Municipality, by the same means, and in the like manner in all respects as Municipal rates and taxes are collected and recoverable under the "Assessment Act of 1869"; and the amount thereof shall be remitted by the local treasurer or chamberlain, to the Treasurer of Ontario, within the space of one month after the same shall have become exigible, with interest at the rate of seven per centum during the non-payment; and the Council of every such municipality, shall assess and levy on the whole ratable property, within its jurisdiction, a sufficient sum in each year to enable the Treasurer, over and above the other valid debts of the Corporation falling due within the year, to pay over to the Treasurer of Ontario, the amount of such rent-charge, within the space aforesaid, whether the same may have been previously recovered from the parties or lands charged with the same or not; and the amount hereby appointed to be remitted by the Local Treasurer to the Treasurer of Ontario shall be the first charge upon all the funds of the municipality, for whatever purpose, or under whatever By-law they may have been raised; and no treasurer or other officer of the municipality, shall, after the passing of this Act, pay any sum whatsoever, except for the ordinary current disbursements and salaries of Clerks and other employees of such Municipality out of any funds of the municipality in his hands, until the sum then payable by the municipal treasurer to the Treasurer of Ontario, in respect of such rent charge, shall have been paid to him; and if any such treasurer or municipal officer shall pay any sum out of the funds of his municipality, except as aforesaid, contrary to the provision hereinbefore made, he shall be deemed guilty of a misdemeanor, and shall, moreover, be liable to the Treasurer of Ontario for every sum so paid as for money received by him for the Crown; and any Reeve or Councillor wilfully or negligently omitting to see the foregoing provisions carried into effect, shall also be personally and individually liable to the Treasurer of Ontario, for the full amount of the said rent charge to be recovered with costs by the said Treasurer of Ontario, in any suit as for money had and received for Her Majesty's behoof.

11. In case any land which shall be drained or improved by drainage under this Act shall, at the time of making the said award, not be in the actual possession of the owner or proprietor, but be held under him by some other person or persons by virtue of a lease, agreement, or other instrument, having more than one year to run, then, and in such case, the said arbitrators shall determine the amount of increased rent or tax which such tenant or occupier shall pay in consequence of any improvement

improvement in such land, regard being had to the duration, extent and value of the interest of such occupant in the premises, and to the particular circumstances of the case; and the landlord of such tenant and occupant shall have the same remedies for the recovery of such increased rent as he was entitled to for the rent originally stipulated; and the decision of the said arbitrators shall be signified by indorsement on the lease or instrument under the hands of the said arbitrators; and every such tenant and occupier who shall pay for the land in his occupation any sum charged thereupon, under and by virtue of the provisions of this Act, shall be, and he is hereby authorized to deduct and retain out of his rent the amount of the sum of money which he shall so pay as aforesaid; but nothing herein contained shall extend, or be construed, to enable any occupier or lessee to deduct from his rent any costs or expenses incurred by non-payment of the moneys hereby imposed or authorized to be paid.

Remedies of landlord.

Decision of arbitrators to be endorsed on lease.

Tenants may deduct from the rent the amounts paid by them.

12. Wherever a rent charge shall have become charged on land belonging to Her Majesty, the said rent charge shall not be levied or collected by the Council of the municipality in which the said land is situated, or their collector, treasurer, or officer, but the said rent charge as it falls due, or in lieu thereof the principal sum to which the said rent charge may correspond, shall be paid over by the Commissioner of Crown Lands to the Treasurer of Ontario for Her Majesty's behoof, and the sum or sums so paid over shall be entered by the said Treasurer in the separate account hereinbefore appointed to be opened in the books of his department; and the said rent charges, or the principal sums received in lieu thereof, and also all other rent charges or principal sums received in lieu thereof, may continue to be applied in carrying out the purposes of this Act.

When land is owned by the Crown, how rent charge to be paid.

When paid, how to be entered and applied.

13. If any dispute or difference shall arise between any parties interested or claiming to be interested in any land or water to be drained or improved in pursuance of this Act, touching and concerning any boundaries, or any other rights or interests which the said parties, or any of them, shall have or claim to have in or over any such land or water, or touching any other matter relating thereto, it shall be lawful for the aforesaid arbitrators as well by the examination of witnesses upon oath, as by all other proper and sufficient evidence, to examine into, hear and determine the same, and such determination shall be binding and conclusive upon all parties for the purposes of this Act, but no further or otherwise

Duties of arbitrators in disputes between parties interested in the lands.

14. This Act may be cited as "The Ontario Drainage Act," Title. and may be amended or repealed by any Act to be passed in the present Session of the Legislature.

CAP. III.

An Act relating to the Indemnity to Members, and the Salary of the Speaker of the Legislative Assembly.

[Assented to 24th December, 1869.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Allowance to members for attendance at any session.

1. In each session of the Legislative Assembly there shall be allowed to each member of the Legislative Assembly, attending at such session, six dollars for each day's attendance, if the session do not extend beyond thirty days; and if the session extends beyond thirty days, then there shall be payable to each member attending at such session, a sessional allowance of four hundred and fifty dollars and no more.

Deductions for non-attendance.

2. A deduction at the rate of four dollars per day shall be made, from the said sessional allowance, for every day on which the member does not attend a sitting of the House, or of some committee thereof, provided the House sits on such day; but each day during the session, after the first on which the member attends as aforesaid, on which there has been no sitting of the House, in consequence of its having adjourned over such day, or on which the member was in the place where the session was held, but was prevented by sickness from attending any such sitting as aforesaid, shall be reckoned as a day of attendance, at such session, for the purposes of this Act, and a member shall, for the purposes aforesaid, be held to be at the place where the session is held, whenever he is within ten miles of such place.

What shall be reckoned as days of attendance.

Allowance for less than thirty-one days' attendance.

3. A member shall not be entitled to the said sessional allowance for less than thirty-one day's attendance, reckoned as aforesaid, but his allowance for any less number of days, shall be six dollars, for each day's attendance.

How the compensation shall be payable.

4. The said compensation may be paid from time to time, as the member becomes entitled to it, to the extent of four dollars for each day's attendance as aforesaid, but the remainder shall be retained by the Clerk of the House, until the close of the session, when the final payment shall be made.

Where a person is a member for only part of the session.

5. If any person is from any cause a member of the Legislative Assembly for a part only of any session, then, provided he is a member for upwards of thirty days during such session, he shall be entitled to the sessional allowance hereinbefore mentioned, subject to the deduction

tion aforesaid, for non-attendance as a member, and also to a deduction of four dollars for each day of such session before he was elected, or after he ceased to be a member; but if he is a member for only thirty days or less, then he shall be entitled only to six dollars for each day's attendance at such session, whatever be the length thereof.

6. There shall be also allowed to each member, ten cents for each mile of the distance between the place of residence of such member, and the City of Toronto, reckoning such distance going and coming according to the nearest mail route, which distance shall be determined and certified by the Speaker. Allowance for mileage.

7. The sum due to each member at the close of any session shall be calculated and paid to him by the clerk of the House, on his making and signing before the Clerk or Accountant of the House, or a Justice of the Peace, a solemn declaration, to be kept by the Clerk, stating the number of days' attendance, and the number of miles of distance according to the nearest mail route, as determined and certified by the Speaker, for which such member is entitled to the said allowance, and the amount of such allowance, after deducting the number of days (if any) which are to be deducted under any preceding section of this Act; and such declaration may be in the form "A" hereunto annexed, and shall have the same effect as an affidavit in the same form. Final payment at the close of session.
Declaration to be made by members.

8. There is hereby granted to Her Majesty, out of any unappropriated moneys forming part of the consolidated revenue fund of this Province, an annual sum sufficient to enable Her Majesty to advance to the Clerk of the Legislative Assembly, such sums as are required to pay the estimated amounts of the sessional allowance hereinbefore mentioned. Grant for paying the allowance.

9. The Clerk of the Legislative Assembly shall account for all moneys received by him under this Act in the same manner as for moneys advanced to him for the contingent expenses of the said Legislative Assembly, and he may apply any surplus thereof to the payment of such contingent expenses, and may supply any deficiency of such estimated amount out of any moneys in his hands applicable to the payment of such contingent expenses. The Clerk to account for moneys received by him.

10. Notwithstanding any thing hereinbefore contained, for the present session of the Legislative Assembly, there shall be allowed to each member attending at such session a sessional allowance of four hundred and fifty dollars, and no more: Provided that any allowance under this section shall be subject to the deductions, and be payable in the manner hereinbefore provided with respect to the ordinary sessions of Parliament. Special provision for present session as to allowance.

Mileage allowed for present session.

11. There shall be allowed, in respect of travel to and from the present session of the Legislative Assembly, to each member ten cents for each mile of the distance between the place of residence of such member, and the City of Toronto, reckoning such distance, going and coming, according to the nearest mail route, which distance shall be determined and certified by the Speaker, and such allowance shall be payable in the manner hereinbefore provided.

Speaker's salary.

12. A salary of one thousand dollars per annum shall be payable to the Speaker of the Legislative Assembly.

Title.

13. This Act may be cited as "The Members' Indemnity Act."

SCHEDULE, FORM A.

(See Section 7.)

I, A. B., one of the members of the Legislative Assembly, solemnly declare that I reside at _____ in _____ which is distant by the nearest mail route _____ miles, as determined by the Speaker of the Legislative Assembly, from the City of Toronto, where the session of the Legislative Assembly of Ontario, which began on the _____ day of _____ one thousand eight hundred and _____ was held.

That the first day during the said session, on which I was present at Toronto, where the said session was held, was the _____ day of _____ one thousand eight hundred and _____

That on the said day, and on each day of the said session, after the said day on which there was a sitting of the said Legislative Assembly, I attended such sitting, or a sitting of some committee thereof,* except only on _____ days,** on _____ of which I was prevented by sickness from attending as aforesaid, though I was then present at the said City of Toronto***.

(Signature), A. B.

Declared before me at _____ the _____ day of _____ one thousand eight hundred and _____

C. D.

Clerk, (or Accountant,) of the Legislative Assembly, (or Justice of the Peace for the _____ of _____ (as the case may be),

If the member attended a sitting of the House, or of some committee, on every sitting day after the first on which he so attended, omit the words from * to ***; and if his non-attendance

dance was not on any day occasioned by sickness, omit the words from ** to ***.

If the person making the declaration became or ceased to be a member after the commencement of the session, vary the form, so as to state correctly the facts upon which the sum due to the member is to be calculated.

CAP. IV.

An Act to amend An Act passed in the Session held in the thirty-second year of the reign of Her Majesty, intituled "An Act respecting elections of Members of the Legislative Assembly."

[Assented to 24th December, 1869.]

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. That section twenty-five of the Act passed in the Session of the Legislature of the Province of Ontario, held in the thirty-second year of Her Majesty's reign and chaptered twenty-one, is hereby amended by adding the words "or incorporated village" after the word "township" in said section; and the said section shall be read as if the words "or incorporated village" had been originally inserted. 32 Vic. ch. 21, s. 25 amended.

2. From and after the passing of this Act no qualification in real estate shall be required of any candidate for a seat in the Legislative Assembly of Ontario, any statute or law to the contrary notwithstanding, and every such last mentioned statute and law is hereby repealed. Property qualification of members abolished.

CAP. V.

An Act to remunerate certain Members of the Court of Error and Appeal.

[Assented to 24th December, 1869.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

32 Vic., ch.
1, sec. 6, re-
pealed.

1. Section six of the Act passed in the Session held in the thirty-second year of Her Majesty's reign, and chaptered one, shall be and is hereby repealed from and after the first day of January, in the year of our Lord one thousand eight hundred and seventy.

Remuneration
to Chief Jus-
tice and mem-
bers of the
Court.

2. The Chief Justice of Appeal and the other members of the Court of Error and Appeal, being also Commissioners under the Heir, Devisee and Assignee Commission for the time being, shall be paid for the year one thousand eight hundred and seventy, and for every year thereafter, out of the Consolidated Revenue Fund of this Province, the sum of one thousand dollars each, to be paid quarterly on the last days of each of the months of March, June, September and December in each year, free and clear from all taxes and deductions whatever, and so in proportion for any broken period.

CAP. VI.

An Act respecting the Appointment of Notaries Public.

[Assented to 24th December, 1869.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

The Lieu-
tenant-Gover-
nor may ap-
point Notaries.

1. It shall be lawful for the Lieutenant-Governor to appoint from time to time as he thinks fit under his hand and seal at arms, one or more Notaries Public for this Province.

Powers of
Notaries.

2. Every such Notary shall have use and exercise the power of drawing, passing, keeping and issuing all deeds, contracts, charter-parties and other mercantile transactions in this Province, and also to attest all commercial instruments that may be brought before him for public protestation, and otherwise act as usual in the office of Notary, and demand, receive and have all the rights, profits and emoluments rightfully appertaining and belonging to the said calling of Notary Public during pleasure.

Appointments
since 1st July,
1867, declared
valid.

3. Each and every commission appointing Notaries Public in this Province since the first day of July one thousand eight hundred and sixty-seven is hereby declared to have been lawfully issued, and every act, matter and thing, done or performed under or by virtue of such last mentioned commissions shall be held to have the same force and effect in law as any act, matter or thing lawfully done or performed by Notaries Public appointed after this Act shall come into force.

CAP.

CAP. VII.

An Act to make further provisions for carrying out the Act intituled "The Law Reform Act of 1868," and to regulate proceedings on Writs of Error and *Certiorari*.

[Assented to 24th December, 1869.]

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. In any action in the County Court entered for trial at any sittings of assize and *nisi prius*, under the said Act passed in the thirty-second year of Her Majesty's Reign, intituled The Law Reform Act of 1868, the Judge presiding at the sittings shall have the same powers as to amendment of the record, adding and amending pleadings, putting off the trial, reference to arbitration, and making the cause a remanet, and otherwise dealing with the cause and proceedings therein, as if the action had been commenced in a Superior Court of Common Law.

Powers of Judge of Assize as to County Court causes tried before him.

2. Whenever the said Judge endorses on the record in any such action the word "remanet," and adds any words to the effect following: "And the within cause may be entered and tried at any County Court or Assizes," such cause may be entered at any subsequent sittings of the County Court, or of Assize and *nisi prius*, without any further entry or suggestion whatever relative thereto, and may be tried and disposed of in the same way as any other case entered at such sittings.

When such Judge marks record as a remanet, etc., it may be tried at subsequent sitting or assize.

3. In the cases named in the next prior section, an entry shall be made on the record next after the suggestion in the form C. of the said Act, as follows: "And at the said sittings the presiding Judge endorsed, or caused to be endorsed on the record that this cause was a remanet, and might be entered and tried at any County Court or Assize;" and the *postea* shall then be adapted to the finding of the issues, as they may be tried and determined before a Judge or a jury in the County Court, or at the sittings of Assize and *nisi prius*.

Entry of remanet on the record.

4. Whenever any such cause is referred to arbitration by the presiding Judge at such sittings, the County Court in which the action is brought, and the Judge thereof, shall have the same power to enforce the award, and make orders and rules relating thereto, and to setting aside of the award, as if the order referring the case to arbitration had been made by the County Judge.

Powers of County Court as to awards when Judge of Assize refers to arbitration.

Decision under
sub-s. 5, s. 17,
to be final.

5. The decision of the Superior Court of Law, at Toronto, on any motion made under sub-section five, of section seventeen, of the said statute, as amended by section eight of this Act, shall be final, and shall not be subject to appeal to the Court of Error and Appeal, or to any writ of error to that or any other Court.

Sec. 18, sub-s.
2 amended;
the Court, on
motion against
verdict, etc.,
may give a ver-
dict.

6. Whenever the verdict or finding of the Judge is moved against under sub-section two, of section eighteen of the said statute, it shall not be obligatory on the Court before which such motion is made to grant a new trial when the objections taken are against the sufficiency of the evidence, or the erroneous view taken thereof by the Judge, or on a mistaken view of the law of the case; but the Court may pronounce the verdict which, in their judgment, the Judge who tried the cause ought to have pronounced, and amend the *postea*, and enter the verdict accordingly, subject nevertheless to appeal on the same grounds as if the decision of the Court had been to grant a new trial, instead of ordering the *postea* to be amended.

County Court
sittings with-
out a jury in
April and Oc-
tober.

7. There shall be sittings of the several County Courts of this Province (except for the County of York), on the first Monday in the months of April and October in each year, whereat all issues of *fact* in any civil action brought in the Court wherein the sittings shall be, and every assessment and enquiry of damages in any such action may be heard, tried and assessed by the Judge of such Court without the intervention of a jury in those cases where no jury is required; and on any such finding, assessment or enquiry, the *postea* shall be to meet the facts.

Sec. 17 sub-s. 5
amended.

8. Sub-section five, of section seventeen, of the said Act, is hereby amended by inserting the word "non-suit" after the word "any," in the first line and inserting the words "cause, had" after the word "court" in the second line.

On removal by
Certiorari,
proceedings
stand, and
shall not begin
de novo.

9. In any case removed from the County Court to either of the Superior Courts of Common Law by a writ of *Certiorari*, it shall not be necessary to declare *de novo*, but the case shall proceed on the record as it stands when removed into the Superior Court, and all subsequent proceedings may be had and taken in the cause in the same way as if it had been originally commenced and prosecuted in such Superior Court.

When County
Court jurisdic-
tion ousted,
the case may
be removed by
Certiorari.

10. Whenever it shall appear in any action otherwise of the proper competency of the County Court that such Court has not cognizance thereof from the title to land being brought in question, or from the validity of any devise, bequest, or limitation under any will or settlement being disputed, it shall be lawful for any Judge of either of the Superior Courts of Common Law or the Judge of the County Court before whom such cause is pending, to order a writ of *Certiorari* to issue out of
one

one of the Superior Courts of Common Law to remove such cause into such court : and the Judge making such order may in his discretion make and impose such terms on the party applying for such *Certiorari* as to costs, and otherwise as the Judge may make under section eleven of this Act ; Provided always when such writ shall be issued on the order of a Judge of a County Court, a Judge of either of the Superior Courts of Common Law sitting in Chambers at Toronto, may rescind such order, or vary the terms thereof or imposed thereby ; and the cause when removed into the Superior Court shall be proceeded with in the said court in the manner pointed out in section nine of this Act.

Imposition of terms on granting *Certiorari*.

Superior Court Judge may review order for *Certiorari* of Co. Court Judge.

11. No writ of error from either of the Superior Courts of Common Law shall be issued upon any judgment entered, or in any suit instituted in any County Court of the Province of Ontario, unless the debt or damages recovered or claimed amount to upwards of one hundred dollars, and then only on affidavit and by leave of a Judge of one of the said Superior Courts in cases in which the said Judge shall think it proper to issue the said writ, and upon such terms as to payment of costs, giving security for debt or costs, or such other terms as he shall think fit.

Error not to lie on County Court judgment unless for over \$100, and only on leave.

12. The law and practice as to writs of error, and the proceedings thereon, shall hereafter be the same as the law and practice now in force in England in respect to writs of Error from the Superior Courts of Common Law to Inferior Courts ; Provided always that the Judges of the Superior Courts of Common Law in this Province may from time to time alter or amend the same by rules of Court to be made and signed by any four of the said Judges, whereof one shall be a Chief Justice.

Proceedings on writs of error to conform to English practice,

power to make rules as to.

13. The fifth section of the said Act is hereby repealed, and it is hereby enacted that under the sixty-seventh and sixty-eighth sections of chapter fifteen of the Consolidated Statutes of Upper Canada, parties suing or being sued in the name of others, though not named on the Record, and parties for whose benefit any suit is prosecuted or defended, and parties suing or defending in the name of others, though not mentioned on the Record as parties so named, shall, and may be considered and construed as "a party wishing to appeal" under the said sections of the Consolidated Statute above referred to, and may give, or cause to be given, to the opposite party, the security referred to in the said sixty-eighth section of the statute, by a bond executed by two persons, whether named as sureties or as parties interested, or otherwise, in such sum as the Judge of the Court appealed from directs ; conditioned that the plaintiff or defendant in whose name the appeal is made, shall abide by the decision of the cause by the Court to be appealed to, and to pay all sums of money and costs as well of the suit as of the appeal awarded

32 Vic., ch. 6, s. 5 repealed.

Practice on appeal from County Court.

ed and taxed to the opposite party: in which bond the parties executing the same, shall justify to the amount of the penalty of the bond by affidavit annexed thereto in like manner as bail are required to justify; and if such bond or affidavit of justification, duly proved as the bond required under the said section of the statute, are produced to the Judge of the Court appealed from, to remain with the Clerk of the Court until the opinion of the Court appealed to has been given, and then to be delivered to the successful party, then, at the request of the person or persons on whose behalf the appeal is made, the Judge of the Court appealed from shall certify under his hand to either of the Superior Courts of Common Law, named by or on behalf of such appellant, the pleadings and other papers in the cause in the manner pointed out by the said sixty-eighth section of the said statute, and the cause shall then be treated and disposed of as appeals are directed to be disposed of under the said section: and the time which the Judge may stay proceedings, at the request of either party, under the sixty-seventh section of the said statute, to enable the appellant to perfect the necessary bond to appeal, is hereby extended to ten days instead of four, as mentioned in the statute.

Junior Judge
of Co. Court
in York may
sit in Cham-
bers.

14. The Junior Judge of the County Court of the county of York is hereby authorized to transact such business in Chambers, in the absence therefrom of the County Judge, as relates to matters over which the said Court has jurisdiction, and as may according to the course and practice thereof, be transacted by the Judge of the said Court.

CAP. VIII.

An Act to amend sub-sections two and three of section nine of the Act passed in the thirty-second year of Her Majesty Queen Victoria, chaptered six, entitled "The Law Reform Act of 1868," and to repeal section two of chapter one hundred and twenty-one of the Consolidated Statutes for Upper Canada.

[Assented to 24th December, 1869.]

Preamble.

WHEREAS it is desirable to amend sub-sections two and three of section nine of the Act passed in the thirty-second year of Her Majesty Queen Victoria, chaptered six, entitled "The Law Reform Act of 1868," and to repeal section two of Chapter one hundred and twenty-one of the Consolidated Statutes for Upper Canada entitled "An Act respecting the expenditure of County Funds for certain purposes within Upper Canada": Therefore Her Majesty, by and with the

the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. That from and after the passing of this Act the word "Magistrates" in the eighth line of sub-section two of section nine of the first recited Act shall be struck out, and the words "Board of Audit hereinafter mentioned" substituted instead thereof. 32 Vic., ch. 6, s. 9, sub-s. 2, amended.

2. That sub-section three of section nine of the first recited Act shall be repealed from and after the passing of this Act, and the following substituted in lieu thereof:— 32 Vic. ch. 6, s. 9, sub-s. 3, repealed.

"Such of the said accounts and demands as shall be delivered on the first day of the sittings of the said Courts of General Sessions of the Peace, or of Oyer and Terminer and General Gaol Delivery, shall be audited by a Board of Audit, composed of the Chairman of the Court of General Sessions of the Peace, and two other persons, who shall be appointed annually for that purpose by the County Council of such county or union of counties at their first meeting in each year, not more than one of such persons, being a member, for the time being of such County Council: and such accounts and demands shall be taken into consideration in the week next succeeding the week in which such sittings ended, and disposed of as soon as practicable." County accounts, how and when audited.

3. That it shall and may be lawful for the County Council of any county or union of counties to pay the persons appointed by them to serve on the Board of Audit constituted by this Act, any sum not exceeding two dollars each for their attendance at such audit. Fees to auditors.

4. That from and after the passing of this Act section two of Chapter one hundred and twenty-one of the Consolidated Statutes of Upper Canada (now Ontario), entitled "An Act respecting the expenditure of County Funds for certain purposes in Upper Canada" be and the same is hereby repealed. Con. Stat. U. C. ch. 121, s. 2, repealed.

CAP. IX.

An Act respecting Law Fees and Trust Funds.

[Assented to 24th December, 1869.]

WHEREAS it is expedient to do away with the distinction existing in respect of the fees and charges payable to the Crown for or upon any proceeding or matter referred to in the Preamble. Statute

Statute of the late Province of Canada, chaptered five, passed in the Session held in the twenty-seventh and twenty-eighth years of the reign of Her Majesty, in so far as the same relates to the Province of Ontario: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Distinction abolished as to fees, etc., under certain Acts, orders, rules, etc.

1. From and after the thirty-first day of December, one thousand eight hundred and sixty-nine, all distinction theretofore existing in respect of the fees and charges due or payable under or by virtue of the Consolidated Statutes for Upper Canada, that is to say: Chapters fifteen, sixteen, nineteen and thirty-three, and section twenty-nine of chapter ten, section eleven of chapter twelve, section sixty-five of chapter thirteen, section twenty-six of chapter thirty-five, and the Act chaptered five, passed in the session held in the twenty-seventh and twenty-eighth years of Her Majesty's reign, or under or by virtue of any other Act or Acts whatsoever, either now passed and in force or hereafter to be passed and to come in force in the Province of Ontario, and under or by virtue of any order in Council, rule of any court, or proclamation, made or issued, or hereafter to be made or issued, under such Acts, or any of them, shall cease and be at an end; and from thenceforth all the said fees and charges shall form part of the Consolidated Revenue Fund of the Province of Ontario; and only one kind of stamp, but of different denominations, as convenience or the amount of the said fees and charges shall from time to time require, as representing the said fees and charges, shall be issued.

Fees to be part of Con. Rev. Fund, and only one kind of stamp to be used.

F. F. and C. F. fees from 30th June, 1867, to 1st January, 1870, to be part of Con. Rev. Fund.

2. Of the fees and charges in the preceding section mentioned, the fee fund fees and consolidated fund fees collected or paid, or that shall be collected or paid from the thirtieth day of June, one thousand eight hundred and sixty-seven, to the first day of January, one thousand eight hundred and seventy, shall form part of the Consolidated Revenue Fund of the Province of Ontario.

Amount to be paid the Law Society.

3. In lieu of, and as an equivalent for the Law Society fees and charges, parcel of the fees and charges in the first section of this Act mentioned, until the Legislature shall otherwise order, there shall, on the thirtieth day of June, and the thirty-first day of December in each year, be carried to the credit of the Law Society of Upper Canada the sum of fourteen thousand five hundred dollars, which shall be accounted for to the Law Society of Upper Canada by the Province of Ontario.

Lieut.-Governor in Council may direct as to form, etc., of stamp.

4. The Lieutenant-Governor may, by order in Council, direct of what design and form, and of what color or colors, the stamp mentioned in the first section of this Act, and the different denominations thereof, shall be issued, and from time to time, as he shall find or consider expedient, alter or change the same.

5. The Upper Canada Grammar School Income Fund, and all moneys arising from investments made on account thereof, and the income and revenue derived from the Upper Canada Grammar School Fund, and from the Upper Canada Grammar School Lands, and from the Upper Canada Building Fund and Marriage Licenses belonging thereto, and from the Common School Fund, and the Common School Lands, shall form part of the Consolidated Revenue Fund of the Province of Ontario.

Certain funds and moneys to form part of Con. Rev. Fund.

CAP. X.

An Act to remunerate Sheriffs, Clerks of the Peace, and County Attorneys for services rendered in the County Judges' Criminal Court.

[Assented to 24th December, 1869.]

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The table of fees appended to this Act shall, from and after the first day of July, one thousand eight hundred and sixty-nine, be and constitute the fees to be taken by sheriffs, clerks of the peace and county attorneys respectively, for or in respect of services rendered and performed by them respectively in all prosecutions, matters and proceedings, under and by virtue of the Act passed by the Parliament of Canada in the session held in the thirty-second and thirty-third year of Her Majesty's reign, and chaptered thirty-five, commonly called the County Judges' Criminal Court.

Fees to be taken by Sheriffs, Clerks of the Peace and County Attorneys, under 32 and 33 Vic., ch. 35.

TABLE OF FEES.

TO SHERIFFS.

Notification to Judge, and bringing up prisoner under Judge's warrant, including attendance at Court—in all for each prisoner.....	\$1 00
Bringing up prisoner for arraignment on trial, and for sentence, including attendances at Court—in all for each prisoner, whether convicted or acquitted.....	2 00
That the Sheriff be allowed the fees for serving subpoenas, arrest under warrant, travel to serve or execute a process, and conveying prisoner to Penitentiary or Reformatory, the like sum as is provided for in the Act of Ontario, passed in the thirty-second year of Her Majesty's reign, chaptered eleven.	

TO THE CLERK OF THE PEACE.

Attending and service in Court, and making all necessary entries for each prisoner brought before the Judge, and not consenting to be tried—in all.....	\$0 50
For attendance in Court, and services rendered at trial, making necessary record of proceedings and all necessary entries, including calendar of conviction for each prisoner.....	2 00
Preparing Judge's warrant to bring up the body of prisoner, and delivering same to Sheriff—for each prisoner.....	50
Issuing Writ of Summons to witness when necessary....	40
Copy of Summons, each.....	20
Warrant of remand, when issued and delivered to Sheriff.	50
For warrant to arrest, taking and estreating recognizances and proceedings to enforce same, same fees as allowed for like services at the General Sessions of the Peace.	

TO THE COUNTY ATTORNEY.

To be entitled, as by Statute, to the same fees as for like services at the Courts of General Sessions of the Peace.

CAP. XI.

An Act respecting proceedings in Judges' Chambers at Common Law.

[Assented to 24th December, 1869.]

Preamble.

WHEREAS it is expedient to make provision for proceedings in Judges' Chambers in the Superior Courts of Common Law; Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Any one whilst acting as judge of assize in Toronto, may act as judge in chambers.

1. Any person acting as judge of assize and *nisi prius*, in the city of Toronto, shall, while so sitting or acting as such judge, or while the sittings shall last, be enabled to act as a judge in chambers in all matters, as if he were a judge of one of the superior courts of common law.

Any one sitting as judge of assize may during sittings act as judge in chambers.

2. Any person acting as a judge of assize and *nisi prius* shall, in and for the county for which he is acting, and while the sittings of the said court shall last, be enabled to act as a judge in chambers in all matters entered for trial before him, as if he were a judge of one of the said superior courts.

3. Every judge of the said superior courts is hereby authorized to transact such business at chambers or elsewhere depending in either of the said superior courts, as relates to matters over which the said courts have a common jurisdiction and as may according to the course and practice of the court be transacted by a single judge.

Powers to every judge of superior courts.

4. Every judge of the superior courts is hereby authorized to transact out of court such business as may, according to the course and practice of the court, be so transacted by a single judge, relating to any suit or proceeding in either of the said Courts of Queen's Bench or Common Pleas, or relating to the granting writs of *certiorari* or *habeas corpus*, or to the admitting of persons on criminal charges to bail, or approving of bonds with sureties when given in any matter of appeal from the judgment of either of the said courts, or to the issuing of ex-tents or other process for the recovery of debts due to Her Majesty, or relating to any other matter or thing usually transacted out of court, in like manner as if the judge transacting such business had been a judge of the court to which the same by law belongs.

Powers to every judge of superior courts.

5. Whereas a great part of the business in the chambers of the said judges might with advantage to the public be disposed of by the clerk of the Crown and Pleas of the said court of Queen's Bench; be it enacted, it shall be lawful for a majority of all the judges of the said courts, which majority shall include the two Chief Justices, or one of the Chief Justices, and the senior of the Puisne Judges of the said courts, from time to time, to make and publish general rules for the following purposes, that is to say:

Judges may make rules,

(1.) For empowering the clerk of the Crown of the said court of Queen's Bench, to do any such thing, and to transact any such business, and to exercise any such authority and jurisdiction in respect of the same as by virtue of any statute or custom, or by the rules of practice of the said courts, or any of them respectively, are now done transacted or exercised by a judge of the said respective courts sitting at chambers, and as shall be specified in any such rule, except in respect of matters relating to the liberty of the subject.

to empower clerk of the Crown to act as judge in chambers,

(2.) For regulating the attendance of the said clerk at chambers, the course of practice to be there pursued, and the scale of costs to be there adopted.

to regulate his attendance, and the practice and costs,

(3.) For fixing the table of fees to be taken in respect of business to be transacted before the said clerk of the Crown at chambers, and for abolishing or altering from time to time such table of fees.

to fix the fees,

6. Every rule to be made under this Act shall be read aloud in Promulgation of the rules.

in open court in each of said courts, ten clear days at least before the day fixed for such rule coming into operation, and within one month after that day a copy of every such rule shall be transmitted by one of the said Chief Justices to the Provincial Secretary.

Rules to be
laid before
Legislative
Assembly.

7. Every rule to be made under this Act shall be laid before the Legislative Assembly by the Provincial Secretary, within one month after the making thereof, if the Legislature be then sitting, or if not, then within one month after the commencement of the next session of the Legislature.

Decision of
clerk of the
Crown to be
binding.

Appeal there-
from.

8. Every order or decision made or given under this Act by the said clerk of the Crown sitting at chambers, shall be as valid and binding on all parties concerned, as if the same had been made or given by a judge sitting at chambers; provided always that it shall be lawful for any person affected by any order or decision of the said clerk of the Crown forthwith, or within such time as shall be appointed by any rule or rules to be made under this Act, and subject to such conditions as to costs as may be provided under any such rules or orders, to appeal from such decision to a judge sitting at chambers.

CAP. XII.

An Act to amend an Act passed in the Session held in the thirty-second year of the reign of Her Majesty, intituled, "An Act to amend Chapter fifteen of the Consolidated Statutes of Upper Canada, entitled An Act respecting County Courts."

[Assented to 24th December, 1869.]

WHEREAS it is expedient to amend the Act passed in the Session of the Legislature of the Province of Ontario, held in the thirty-second year of the reign of Her Majesty, intituled, "An Act to amend chapter fifteen of the Consolidated Statutes of Upper Canada, intituled "An Act respecting County Courts:." Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

32 Vic. ch.
22, s. 2 re-
pealed.

1. That section number two of the said recited Act, is hereby repealed, and the following shall be section number two of the said Act :—

Con. Stat. U.
C. ch. 15, s. 3
repealed.

Section three of the said chapter fifteen of the Consolidated Statutes of Upper Canada is hereby repealed, and the following

lowing clause enacted in lieu thereof:—"The Judges of the several County Courts holding office when this Act takes effect, as well as the Judges hereafter to be appointed, shall hold their offices during good behaviour, but shall be subject to be removed by the Lieutenant-Governor for inability, incapacity or misbehaviour, established to the satisfaction of the Lieutenant-Governor in Council, anything in the Interpretation Act or any other Act to the contrary notwithstanding.

Tenure of
office by Coun-
ty Court Jud-
ges.

CAP. XIII.

An Act to Amend the Law of Evidence in Civil Causes.

[Assented to 24th December, 1869.]

WHEREAS the inquiry after truth in civil causes in the Preamble. Courts of Justice is often obstructed by incapacities created by the present law, and it is desirable that full information as to the facts in issue should be laid before the persons who are appointed to decide upon them, and that such persons should exercise their judgment on the credit of the witnesses and the truth of their testimony, and it is expedient to amend the Law of Evidence in this Province: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The clauses numbered three, four and five of the Act entitled "An Act respecting Witnesses and Evidence," being chapter thirty-two, of the consolidated statutes of Upper Canada, and also so much of clause number eighteen of the said Act as provides that nothing therein shall render any person compellable to answer any question tending to criminate himself, or to subject him to a prosecution for any penalty, shall be and the same are hereby repealed as to civil matters.

Con. Stat. U.
C., ch. 32 ss.
3, 4, 5 and part
of 18 repealed.

2. No person offered as a witness shall hereafter be excluded by reason of incapacity from crime or interest from giving evidence either in person or by deposition, according to the practice of the Court, on the trial of any issue joined, or of any matter in question, or on any enquiry arising, in any civil suit, action, or proceeding, in any Court or before any judge, jury, sheriff, coroner, magistrate, officer or person, having by law or by consent of parties authority to hear receive and examine evidence.

Witnesses not
to be incapac-
itated by crime
or interest,

3. Every person so offered may and shall be admitted to give evidence on oath or solemn affirmation in those cases

such persons
admitted to
give evidence.

cases wherein affirmation is by law receivable, notwithstanding that such person may or shall have an interest in the matter in question or in the event of the trial of any issue, matter, question or enquiry, or of the suit, action or proceeding in which he is offered as a witness, and notwithstanding that such person offered as a witness may have been previously convicted of any crime or offence.

Parties to suits and parties in whose behalf suits may be brought or defended, to be competent and compellable to give evidence.

4. On the trial of any issue joined, or of any matter or question, or on any inquiry arising in any civil suit action or proceeding in any Court, or before any judge, jury, sheriff, coroner, magistrate or person having by law or by consent of parties authority to hear receive and examine evidence, the parties thereto and the persons in whose behalf, any such suit action or other proceeding may be brought or defended shall, except as hereinafter excepted, be competent and compellable to give evidence either *vivâ voce* or by deposition, according to the practice of the court, on behalf of themselves or of either or any of the parties to such suit, action or other proceeding.

Husband not to give evidence against his wife, and *vice versa*.

5. (a) Nothing herein contained shall render any husband competent or compellable to give evidence for or against his wife, or any wife competent or compellable to give evidence for or against her husband.

Not to apply in actions of adultery or breach of promise of marriage.

(b). Nothing herein contained shall apply to any action, suit, proceeding or bill in any court, instituted in consequence of adultery, or to any action for breach of promise of marriage

Communications between husband and wife need not be disclosed.

(c). Nothing herein contained shall render any husband compellable to disclose any communication made to him by his wife during coverture, or shall render any wife compellable to disclose any communication made to her by her husband during coverture.

Questions tending to criminate, need not be answered.

(d). Nothing herein contained shall render any person compellable to answer any question tending to criminate himself or to subject him to prosecution for any penalty.

Parties to actions against personal representatives not to be witnesses unless called by opposite party.

(e). And nothing herein contained shall, in any action, suit or other proceeding by or against the personal representative or representatives of any deceased person, render competent or authorize any party to such action suit or proceeding to be called as a witness on behalf of such party as to any matter occurring before the death of such deceased person; but such party may be called as a witness at the instance of the opposite party.

Short title of Act.

6. This Act may be cited and known as "The Evidence Act, 1869."

CAP. XIV.

An Act to allow certain persons to make a Solemn Affirmation and Declaration instead of an Oath.

[Assented to 24th December, 1869.]

WHEREAS it is expedient to permit any person who declares Preamble.
that the taking of any oath is contrary to his religious belief to make instead of such oath a solemn affirmation or declaration in all cases wherein an oath may be lawfully administered; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. If any person called as a witness, or required or desiring to make an affidavit or deposition in any civil proceeding, or on any occasion other than in a criminal proceeding whereon or touching any matter respecting which an oath is now, or hereafter may be requisite by law, whether on taking office or otherwise, shall refuse or be unwilling, from alleged conscientious motives, to be sworn, it shall be lawful for the Court, or Judge, or other presiding officer, or person qualified to take affidavits or depositions, to permit such person, instead of being sworn, to make his or her solemn affirmation or declaration in the words following, viz.:—

Certain persons may make affirmations or declarations instead of oaths.

“I, (A. B.) do solemnly, sincerely and truly affirm and declare that the taking of an oath is, according to my religious belief, unlawful; and I do also solemnly, sincerely and truly affirm and declare, &c.,” which solemn affirmation and declaration shall be of the same force and effect as if such person had taken an oath in the usual form.

2. This Act shall come into force from and after the first day of March one thousand eight hundred and seventy.

Act to come into force on 1st March, 1870.

CAP. XV.

An Act to repeal sub-section one of section one hundred and fifty-five of Chapter thirty-one of the Consolidated Statutes of Upper Canada, respecting Jurors and Juries and to make other provisions in lieu thereof.

[Assented to 24th December, 1869.]

WHEREAS it is necessary to repeal sub-section one of section one hundred and fifty of Chapter thirty-one, of the Preamble.
Consolidated

Consolidated Statutes of Upper Canada, and substitute other provision therefor: Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Con. Stat.
U. C. ch. 31
s. 155, sub-s. 1.
repealed.

1. Sub-section one of section one hundred and fifty-five of Chapter thirty-one of the Consolidated Statutes of Upper Canada is hereby repealed, and the following substituted therefor :—

From the sum paid for jurors and for other fees, to be deducted the sum received for fees etc., appropriated for jurors.

From the total sum expended in the county in any year for the payment of Jurors and other fees and disbursements under this Act, there shall be deducted the sums actually received by the county in such year for fees and penalties which under this Act are appropriated towards the payment of Jurors.

CAP. XVI.

An Act to amend section seventy-eight of Chapter thirty-one of the Consolidated Statutes of Upper Canada.

[Assented to 24th December, 1869.]

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Con. Stat. ch.
31, s. 78
amended.

Amount to be paid Justices of the Peace for each panel.

1. That the following words shall be added to the above quoted seventy-eighth section, and shall be read as a part of it "and for which services the said Justices shall each receive the sum of one dollar for each of such panels drafted, which sums shall be paid by the treasurer, on the receipt of the Sheriff's certificate that such service has been performed."

CAP. XVII.

An Act to amend and extend the provisions of the Act, chaptered thirty, of the Consolidated Statutes for Upper Canada, respecting Interpleading.

[Assented to 24th December, 1869.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1.

1. Any common carrier or other bailee of goods and chattels, whether under a special contract or otherwise howsoever, upon whom any claim is made to any goods and chattels in the possession of such carrier or bailee by any one or more claimants, whether such claims have or have not a common origin, may apply either before or at any time after action is brought by any such claimants respecting the said goods, upon affidavit shewing how the said goods and chattels came to his possession, the nature and extent of any lien which the said carrier or bailee has upon the said goods and chattels for services rendered and money advanced thereon, if any such claim exists, and the value or supposed value thereof, also shewing who said claimants respectively are, and the nature (as far as said carrier or bailee knows) of the claims respectively made to said goods, and that he the said carrier or bailee has good reason to believe, and does believe, that if he delivers such goods to either of the claimants he will be sued by the other or others of them, and that he does not collude with any or either of the parties claiming possession of said goods and chattels, may apply to any Judge of the Court of Queen's Bench or Common Pleas, or to any Judge of a County Court of the County within which such goods may be at the time of the application, where the value of the goods does not exceed two hundred dollars, for an order calling upon all the parties respectively claiming the said goods and chattels, to appear and state the nature and particulars of their respective claims, and to maintain or relinquish the same, and thereupon such Judge in disposing of said application, shall have and exercise all the powers given by chapter thirty of the Consolidated Statutes for Upper Canada to a Judge in interpleader matters.

Bailee or carrier may interplead on certain affidavit.

2. In case any such claimant, being duly served with the said order, do not appear to maintain or relinquish his claim or right, or refuse to comply with any order made after appearance, the said Judge may declare him barred from making or prosecuting his claim against the said carrier or bailee, saving the right or claim of such party against the person or party to whom, under said order, said goods, or the proceeds thereof, may be delivered; and the said Judge may make such order between the parties to the said application as may seem just.

When and how claimant served may be barred.

3. It shall not be necessary, in order to entitle any such carrier or bailee to relief by way of interpleader, that he should abandon any lawful lien he may have upon the goods and chattels the subject of such application, and in disposing of said application, the Judge in case of any such lien, may make such order respecting the satisfaction or payment thereof, and to the relief asked and sought thereby, and as to the costs of the parties and the payment thereof, as the right and justice of the case shall require.

The Court may provide for satisfaction of lien of bailee.

Con. Stat., ch.
30, made ap-
plicable.

4. That the several clauses of the Act, chapter thirty, of the Consolidated Statutes for Upper Canada, entitled "An Act respecting interpleading," as to ordering of feigned issues, and directing who shall be plaintiff and who defendant therein, the place and mode of trial, the effect of judgment on any such issue, and otherwise, not inconsistent with this Act, shall apply to proceedings had or taken hereunder.

CAP. XVIII.

An Act to amend the law respecting the powers of Executors and Administrators.

[Assented to 24th December, 1869.]

Preamble.

WHEREAS it is expedient to amend the law respecting the powers of executors and administrators, by vesting in them additional power to deal with the real estate of the testator or intestate: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Applicant for
administration
with the will
annexed to de-
pose to value
of the realty.

1. In every case where any person applies to be appointed an administrator with the will annexed, he shall in his application state, and in his affidavit of the value of the property devolving shall depose to, the value or probable value of all the real estate over which, or over any estate in which, the executor or executors named in the will or codicil were by the said will or codicil clothed with any power of disposition, or which real estate, in case of no executor being appointed, was by the will or codicil directed to be disposed of, without any person being appointed to effect such disposition; and in every such case the bond to be given by such person upon his obtaining a grant of administration with the said will annexed, shall, as respects the amount of the penalty of the bond, and the justification of the sureties, include the amount of the value, or probable value so stated and deposed to; and the condition of the bond, in addition to the other provisions thereof, shall provide that the administrator shall well and truly pay over and account for to the person or persons entitled to the same, all moneys and assets to be received by him for or in consequence of the exercise by him of any power over real estate created by the will or codicil and which may be exercised by him.

Condition of
the bond, and
justification of
sureties.

Administrator
with will an-
nexed may
execute powers
of sale, etc.

2. Whenever, after the passing of this Act, there shall be in any will or codicil thereto of any deceased person, whether such will be made or such person shall have died before or after the passing of this Act, any power to any executor or executors in such

*This act
repealed by
the Statute of 1871*

such will to sell, dispose of, appoint, mortgage, encumber or lease any real estate, or any estate or interest therein, whether such power be express, or arise by implication, and whenever from any cause letters of administration with such will annexed, shall have been by a court of competent jurisdiction in Ontario committed to any person, and such person has given, or shall hereafter give, the additional security in the next preceding clause mentioned (which additional security the Judge of the Surrogate Court is authorized to receive), such person shall and may exercise every such power, and sell, dispose of, appoint, mortgage, encumber or lease such real estate, and any estate or interest therein, in as full, large and ample a manner, and with the same legal effect for all purposes as the said executor or executors might have done.

3. Whenever, after the passing of this Act, there shall be in any will or codicil thereto of any deceased person, whether such will be made or such person shall have died before or after the passing of this Act, any power to sell, dispose of, appoint, mortgage, encumber or lease any real estate, or any estate or interest therein, whether such power be express or arise by implication, and no person shall be by the said will or some codicil thereto, or otherwise by the testator appointed to execute such power, and letters of administration with such will annexed shall have been by a court of competent jurisdiction in Ontario committed to any person, and such person has given or shall hereafter give the additional security before mentioned (which additional security the Judge of the Surrogate Court is authorized to receive), such person shall and may exercise every such power, and sell, dispose of, appoint, mortgage, encumber or lease such real estate, and any estate or interest therein, in as full, large and ample a manner, and with the same legal effect, as if such last-named person were appointed by the testator to execute such power.

Administrator with will annexed may execute powers of sale, etc., where the will names none to execute.

4. Whenever any person shall have entered into a contract in writing for the sale and conveyance of realty, or of any estate or interest therein, and such person shall have died intestate, or without providing by will for the conveyance of such realty, or estate or interest therein to the person entitled, or to become entitled to such conveyance under such contract; then, whenever, upon the supposition of the deceased being alive he would be liable to execute a conveyance, the executor, administrator, or administrator with the will annexed, as the case may be, of such deceased person, may and shall make and give to the person entitled to the same a good and sufficient conveyance or conveyances, for such estates, and of such nature as the said deceased, if living, would be liable to give, but without covenants (except as against the acts of the grantor); which conveyances shall be as valid and effectual as if the said deceased were alive at the time of the making thereof,

Executors &c. may convey in pursuance of contract of deceased.

thereof, and had executed the same, but shall not have any further validity.

Duties and liabilities of an administrator acting under this Act.

5. Every executor, administrator, and administrator with the will annexed, shall, as respects the additional powers vested in him by this Act, and any money or assets by him received in consequence of the exercise of such power, be subject to all the liabilities, and compellable to discharge all the duties of whatsoever kind, which, as respects the acts to be done by him under such powers, would have been imposed upon an executor or other person appointed by the testator to execute the same, or in case of there being no such executor or person, would have been imposed by law upon any person appointed by law, or by any court or judge of competent jurisdiction to execute such power.

Powers given by this Act to two or more to survive.

6. Where there shall be several executors, administrators, or administrators with the will annexed, and one or more of them dies, the powers hereby created shall vest in the survivor or survivors.

After administrator appointed, no executor to execute the powers given by the Act to administrator.

7. After the grant of administration with the will annexed by any court of competent jurisdiction in Ontario, no executor named in the said will shall execute any of the powers contained in the will, and of the nature above mentioned, unless such letters of administration be first revoked.

Act not to apply to cases adjudicated on.

8. This Act shall not apply to any case already adjudicated on and decided by any court of competent jurisdiction.

CAP. XIX.

An Act to amend the Law Relating to Bills of Lading.

[Assented to 24th December, 1869.]

Preamble.

WHEREAS by the custom of merchants a Bill of Lading of goods being transferable by endorsement, the property in the goods may thereby pass to the endorsee, but, nevertheless, all rights in respect of the contract contained in the Bill of Lading continue in the original shipper or owner, and it is expedient that such rights should pass with the property; and whereas it frequently happens that the goods in respect of which Bills of Lading purport to be signed have not been laden on board, and it is proper that such Bills of Lading in the hands of a *bona fide* holder for value should not be questioned by the master or other person signing the same, on the ground of the goods not having been laden as aforesaid; Therefore Her Majesty,

Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. Every consignee of goods named in a Bill of Lading, and every endorsee of a Bill of Lading to whom the property in the goods therein mentioned shall pass upon or by reason of such consignment or endorsement, shall have transferred to, and vested in him all rights of suit, and be subject to the same liabilities in respect of such goods as if the contract contained in the Bill of Lading had been made to himself.

Rights and liabilities of consignees and endorsees of Bills of Lading.

2. Nothing herein contained shall prejudice or affect any right of stoppage in transitu, or any right to claim freight against the original shipper or owner, or any liability of the consignee or endorsee, by reason or in consequence of his being such consignee or endorsee, or of his receipt of the goods by season or in consequence of such consignment or endorsement.

Certain rights and liabilities not affected.

3. Every Bill of Lading in the hands of a consignee or endorsee for valuable consideration representing goods to have been shipped on board a vessel or train shall be conclusive evidence of such shipment as against the master or other person signing the same, notwithstanding that such goods or some part thereof may not have been so shipped, unless such holder of the Bill of Lading shall have had actual notice at the time of receiving the same that the goods had not in fact been laden on board, or unless such Bill of Lading has a stipulation to the contrary; Provided that the master or other person so signing, may exonerate himself in respect to such misrepresentation, by showing that it was caused without any default on his part, and wholly by the fraud of the shipper, or of the holder, or some person under whom the holder claims.

Bills of Lading as evidence against signer.

The words "or to him" are not in the English Act. See the Bill of Lading Act 18, 19 Vict. c. 111.

CAP. XX.

Registration of Co-Partnerships Act, 1869.

[Assented to 24th December, 1869.]

WHEREAS it is expedient to remove the difficulties that exist in bringing actions against persons associated as partners for trading purposes, or against unincorporated companies or societies formed for like purposes: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Preamble.

1. That all persons who, at the time of the passing of this Act, or who hereafter may be associated in partnership for trading

Persons in partnership to deliver a

declaration to the Registrar.

When some of the parties are absent.

Requisites of declaration.

Time of filing declaration.

Penalty for non-compliance.

Application of penalty.

Registrar to record declaration.

Registrar's fees.

Form of declaration.

ing manufacturing or mining purposes, shall cause to be delivered to the Registrar of the county, city, or riding in which they carry or intend to carry on business, a declaration in writing, signed by the several members of such co-partnership; Provided however, that if any of the said members be absent from the place where they carry or intend to carry on business, at the time of making such declaration, then by the members present in their own names, and also for their absent co-members, under their special authority to that effect, such special authority to be at the same time filed with such Registrar and annexed to such declaration.

2. Such declaration shall contain the names, surnames, additions and residences of each and every partner as aforesaid, and the name, style or firm under which they carry on or intend to carry on such business, and stating also the time during which the partnership has existed or is to exist, also declaring that the persons therein named are the only members of such co-partnership.

3. The said declaration shall be filed within six months after the passing of this Act, if such partnership shall have been or shall be formed before the time when this Act shall come into force and effect, and within six months next after the formation thereof, if it shall be formed after the said Act shall come into force and effect; and a similar declaration shall in like manner be filed when and so often as any change or alteration shall take place in the membership of such partnership, or in the name, style or firm under which they intend to carry on business, and place of residence of each member of said firm.

4. Each and every member of any partnership failing to comply with the requirements of this Act shall forfeit the sum of two hundred dollars, to be recovered before any court of competent jurisdiction, by any person suing, as well in his own behalf as on behalf of Her Majesty; and half of such penalty shall belong to the Crown for the uses of the Province, and the other half to the party suing for the same, unless the suit be brought, as it may be, on behalf of the Crown only, in which case the whole of the penalty shall belong to Her Majesty for the uses aforesaid.

5. It shall be the duty of the Registrar to enter each such declaration as aforesaid in a book to be by him kept for that purpose, which shall at all times during office hours be open to the inspection of the public gratuitously; and for registering each such declaration the Registrar shall receive from the person filing the same the sum of fifty cents if it shall not contain more than two hundred words, and at the rate of ten cents per hundred words for all above the number of two hundred; and such declaration shall be in the form of the Schedule to this Act annexed.

6. The allegations made in the declaration aforesaid shall not be controvertible as against any party by any person who shall have signed the same, nor as against any party not being a member of the partnership by any person who shall have signed the same, or who was really a member of the partnership therein mentioned at the time such declaration was made.

Allegations in the declaration not to be controvertible against certain parties.

7. Until a new declaration shall have been made and filed by him, or by his co-partners or any of them as aforesaid, no such signer shall be deemed to have ceased to be a partner: such new declaration shall state such alteration in the partnership; Provided, however, that nothing herein contained shall exempt from liability any person who, being a partner, failed to declare the same as already provided, and such person may, notwithstanding such omission, be sued jointly with the partners mentioned in the declaration, or they may be sued alone, and if judgment be recovered against them, any other partner or partners may be sued jointly or severally in an action on the original cause of action upon which such judgment was rendered; nor shall anything in this Act be construed to affect the rights of any partners with regard to each other, except that no such declaration as aforesaid shall be controverted by any signer thereof.

Persons signing declaration to be deemed partners till new declaration is filed.

Liability of partners failing to declare the same.

Rights of partners between themselves.

8. After the expiration of ninety days from the passing of this Act, if any persons shall be or shall have been associated as partners for the purpose of trade, and no declaration shall have been filed under this Act with regard to such partnership, then any action which might be brought against all the members of the partnership may also be brought against any one or more of them, as carrying on or as having carried on business jointly with others, without naming such others in the writ or declaration under the name and style of their said co-partnership firm; and if judgment be recovered against him or them, any other partner or partners may be sued jointly or severally on the original cause of action on which such judgment shall have been rendered; Provided always, that if any such action be founded on any obligation or instrument in writing in which all or any of the partners bound by it shall be named, then all the partners named therein shall be made parties to such action; and any judgment rendered against any member of such existing co-partnership for a partnership debt or liability, shall and may be executed by process of execution against all and every the partnerships stock, property, and effects, in the same manner, and to the same extent as if such judgment had been rendered against such co-partnership.

How actions may be brought against partners in trade not filing declaration;

when the action is founded on any obligation in writing.

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3 6

SCHEDULE.

Province of Ontario,)
 County of .)

The of in (occu-
 pation), hereby certify that we have carried on
 and intend to carry on trade and business as at
 in partnership under the name or firm of
 (or, as the case may be) I, (or We) the undersigned of
 in , hereby certify that I, (or We) have carried on and
 intend to carry on trade and business as at
 in partnership with (C. D.) of and (E. F.)
 of , and that the said partnership hath subsisted since
 the day of one thousand eight hundred
 or that we, or (I or We) and the said (C. D.) and (E. F.)
 are and have been since the said day the only members of the
 said partnership.

Witness our (or any of our) hands at this
 day of one thousand eight hundred and .

CAP. XXI.

An Act to amend the Act of the late Province of
 Canada, passed in the twenty-ninth year of Her
 Majesty's reign, entitled "An Act to secure to wives
 and children the benefit of assurances on the lives
 of their husbands and parents."

[Assented to 24th December, 1869.]

Preamble.

WHEREAS by the Act passed in the twenty-ninth year of
 Her Majesty's reign, for securing to wives and children
 the benefit of assurances on the lives of their husbands and
 parents, it is among other things provided that it shall be law-
 ful for any person to insure his life for the benefit of his wife,
 or his wife and children, or for the benefit of his children only,
 and to apportion the same among such children, and it is
 thereby further provided that upon the death of the party
 assured, the insurance money shall be payable according to
 the terms of the policy; and whereas, no provision being made
 in the said recited Act, for the payment of such money, in the
 event of the children entitled thereto being under age,
 assurance companies granting policies which have become
 subject to the provisions of the said Act have experienced
 great difficulties and inconvenience in obtaining a proper dis-
 charge in cases where the assured has merely apportioned the
 same

same to his children, without naming any one to receive the same during their minority, and it is expedient to relieve them from such risk and inconvenience, and to provide some means whereby they may obtain a sufficient discharge, on payment of the said moneys; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts:—

1. That in all cases where the party insured under any policy, has directed, or shall hereafter direct, the insurance money, or any portion thereof, to be paid to his child or children, without naming any person to receive the same on his or their behalf during his or their minority, it shall be competent to the assurance company granting such policy, to pay the amount due to such of the children as shall be minors, into the hands of the executor or executors of such insured person, whether such person shall have died before the passing of this Act or not, who shall hold the same as trustees for such children, and the receipt of such executor or executors shall be a sufficient discharge to the company.

Insurance moneys due to minors, may be paid to executors of the insured.

2. If the said insured shall have died, or shall hereafter happen to die intestate and without having appointed in writing any person to whom such payment may be made on behalf of such infants, the payment to a guardian of such infants, duly appointed by one of the Surrogate Courts of this Province, shall be a sufficient discharge to the assurance company for the money so paid, and the company shall not be bound to see to the application of the money, or be liable for the subsequent misapplication thereof; but the guardian so appointed shall give security to the satisfaction of the Judge of such Court, for the faithful performance of his duty as guardian, and the proper application of the moneys which he shall receive.

If an insured die intestate, without appointing any one to receive the insurance moneys, they may be paid to a guardian for a minor.

Security by guardian.

3. It shall be lawful for the trustee or trustees named in the last two preceding sections, to invest the moneys so to be received upon government securities or municipal debentures or on mortgage of real estate, with full power from time to time, to alter, vary, and transpose the same, and to apply all or any part of the annual income arising from the share or presumptive share of each of the children, of and in the said trust funds, in or towards his or her maintenance and education in such manner as the trustee or trustees may think fit, and also to advance unto and for each or any of the said children notwithstanding his or her minority, the whole or any part of the presumptive share of the same child of and in the said trust moneys for the advancement or preferment in the world or in marriage of any such child.

Powers as to insurance moneys due to minors.

4. If a person who has effected or shall hereafter effect an insurance in the terms of the said Act, shall find himself unable

Power to surrender policy.

unable to continue to meet the premiums, it shall be lawful for him to surrender the policy to the company granting the same, and to accept in lieu thereof a paid up policy for such sum as the premiums paid would represent, payable at death in the same manner as the original policy; and the said company may accept such surrender, and grant such paid up policy notwithstanding any such declaration, or direction in favour of the wife and children or any or either of them of the insured.

Power to borrow on the policy.

5. It shall be lawful for the person insured, from time to time to borrow on the security of the policy such sums as may be necessary to keep the said policy in force, and the sums so borrowed shall be a first lien on the policy, notwithstanding any such direction in favor of the wife and children or any or either of them.

Provision in case of death before the insured of any one beneficially entitled.

6. In the event of some of the parties for whose benefit the said insurance has been effected dying in the life-time of the insured, the moneys payable thereunder shall be payable to the survivor or survivors of such parties, or in case they shall also die, to the executors or administrators of the assured, but nothing herein contained shall be held to prevent the said assured from assigning the policy for the benefit of any future wife or children, or executing a declaration in their favor or in favor of some or one of them as hereinafter is mentioned.

Profits on a policy may be applied to pay premiums, or added to insurance.

7. Any person insuring with profits may apply the same either in payment of premiums, or direct them to be added to the insurance money, payable at death.

This Act to be a public Act.

8. This Act shall be deemed a public Act.

CAP. XXII.

An Act to amend an Act passed in the thirty-second year of Her Majesty's reign, chaptered thirty, of the Statutes of Ontario, intituled, "An Act to provide for the Registration of Births, Marriages and Deaths."

[Assented to 24th December, 1869.]

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

32 Vic. c. 30
s. 3 amended.

1. Section three of the said Act is hereby amended by striking out the words "and town and every ward in cities," in the second

second line of said section three, and reading in lieu thereof the words "city and town."

2. Sub-section two, of section three, of the said Act, is hereby repealed; Provided always that the division registrars appointed under the said section shall hold and continue in office until the first day of January, in the year of our Lord one thousand eight hundred and seventy, and shall, after the said first day of January, make their returns to the district registrars, as required by the seventh section of the said Act.

Sub-sec. 2 of sec. 3 repealed, but division registrars to hold office until 1st Jan. 1870, and afterwards to make returns to district registrars.

3. Section eight of the said Act is hereby amended by striking out all the words in said section after the word "book," in the twelfth line from the top thereof.

Sec. 8 amended.

4. Section eleven of the said Act is hereby amended by striking out all the words of the said section after the word "Act," in the twelfth line from the top thereof.

Sec. 11 amended.

5. All the words after the word "Act," in the sixth line from the top of the twelfth section of the said Act, are hereby struck out, and the following shall be added to the said twelfth section; "and in order the better to enable the said clergyman minister or other person to make such report as aforesaid, he shall be furnished by the division registrar of the division in which he resides with blank forms, containing the particulars required by the said schedule B, in which he shall enter, with the required particulars, all the marriages so celebrated by him; and the transmission of such form, with the entries therein properly made and certified to be correct, under the hand of the said clergyman, minister or other person, to the registrar of the division wherein such marriage is celebrated, shall be deemed to be a good report, within the meaning of the said section twelve."

Sec. 12 amended.

Clergymen, &c., to be furnished with forms to be filled and returned by them.

6. The fourteenth section of the said Act is hereby repealed, and in lieu thereof the following shall be read: "Every duly qualified medical practitioner, who shall have been in attendance during the last illness and until the death of any person, shall, within thirty days after the death of such person, transmit to the division registrar of the division in which the said practitioner resides, a certificate under his signature of the cause of death, according to a form to be provided by the said division registrar, who shall be furnished with such forms; and it shall be the duty of every such medical practitioner to apply to the said division registrar for blank forms for that purpose, and upon the receipt of the said certificate from the said medical practitioner, by the division registrar, he shall make the entry as to the cause of death of such person accord with the fact stated in the said certificate."

Sec. 14 substitution for.

Practitioner who attends patient till death to send to registrar certificate of cause of death.

7. Section twenty-three of the said Act is hereby amended by

Sec. 23 amended by

by striking out the word "fifteen," in the seventh line from the top of the said section twenty-three, and in lieu thereof reading the word "sixteen."

The word "occupier" in ss. 8 and 11 defined.

8. The term "occupier," used in the eighth and eleventh sections of the said Act, shall be construed to mean and include the master, governor, keeper, warden or superintendent of goal, prison, penitentiary, lunatic asylum, poor's asylum, hospital or other public or private charitable institutions.

Registrars, how to be paid.

9. That the division registrars appointed under the said Act shall be paid by the municipalities for which they respectively act as division registrars such remuneration for the registration of births, marriages and deaths, under the said Act, as the said several municipalities may deem just.

CAP. XXIII.

An Act concerning Sheriff's Sales for Taxes.

[Assented to 24th December, 1869.]

Preamble.

WHEREAS many lands in the Province of Ontario having been liable to be assessed for taxes have been assessed and sold for taxes, and frequently in such cases the sales or the conveyances made thereon are invalid by reason of defects or irregularities caused by the public officers or the municipalities charged with the assessing, sale, or conveyance; and the original owners whose lands were sold have for the period during which the land was so assessed and since neglected or refused to pay any taxes or to redeem the lands; and whereas also in many cases the purchasers at such sales or those claiming under them have entered into possession and continued in possession for several years and made extensive improvements on the lands, and paid the taxes charged thereon, without any steps having been taken by the original owners to question the validity of such sales, and also in other cases after improvement so made, those who have made the same have, after many years' occupation, been dispossessed by the original owners or by purchasers from them at a small and inadequate price, and it is expedient that a remedy be provided in those cases where purchasers or those claiming under them have gone into possession and improved, and also where the lands having continued vacant the purchaser or those claiming under him have paid taxes since the sale, and it is also expedient that those claiming lands sold for taxes should assert their own rights of action or of entry or forego such rights rather than sell the same to a purchaser: Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. In all cases where lands which were liable to be assessed according to the true intent and meaning of the statutes in that behalf, have or any part thereof has been sold and conveyed under colour of such statutes for taxes in arrear, and the tax purchaser at any such sale had prior to the first day of November, one thousand eight hundred and sixty-nine, gone into, and continued in occupation of the land sold or of any part thereof, for at least four years, and has made improvements thereon to the value of two hundred dollars, such sale shall be deemed valid, notwithstanding the taxes or the Sheriff's fees and charges for which the lands were sold, were not imposed and charged in due form as required or authorized by the said statutes or any of them, or exceeded the amount lawfully chargeable, and notwithstanding any defect in the warrant to sell, or that such warrant was issued too soon, and notwithstanding any irregularity in the notices of sale, or the advertising and publishing thereof, or in, or as to, the time and place of any such sale, or as to any adjournment of sale, and notwithstanding that there was on such lands any property that might have been distrained, and notwithstanding that the lands have been assessed against some person as resident or occupant, when they should have been assessed as non-resident lands, or were assessed as non-resident lands when they should have been assessed against the owner or occupant or both, and notwithstanding any informality or defect in the keeping of accounts of the taxes charged against such lands, or with which they were chargeable, and notwithstanding any other omissions, insufficiency, defects or irregularities whatsoever, as regards the assessment or sale, or the preliminary or subsequent steps required to make such sale effectual in law; Provided that in cities, towns and incorporated villages, buildings only shall be deemed improvements within this section; and that improvements commenced after the commencement, and during the pendency of any suit or action at law or in equity to dispute the validity of, or set aside such sale, shall not be included in the valuation of such improvements under this section; and provided also, that where the property sold has been sub-divided into lots before such sale, occupation and improvement of any lot or lots according to such sub-division, shall only make valid the sale as to the lot or lots so occupied and improved; Provided also, that this section shall not apply in the following cases:—

Sales for taxes made valid if purchaser had continued occupation four years prior to 1st Nov., 1869. and improved,

In cities, towns and villages buildings only deemed improvements.

Improvements begun after action brought, not within the Act.

Provision when land sold was sub-divided.

(1.) If the taxes for non-payment whereof the lands were sold had been fully paid before the sale.

Sale not made valid if taxes paid before sale;

(2.) If within the period limited by law for redemption, the amount paid by the purchaser, with all interest payable thereon, had been paid or tendered to the person entitled to receive such payment, with a view to redemption of the lands.

if land were redeemed;

(3.) Where, on the ground of fraud or evil practice by the purchaser

in cases of fraud;

purchaser at any such sale, a Court of Equity would grant relief. In any case, however, wherein the sale or conveyance would be made valid by this Act but for the provisions of this sub-section, it shall not be considered in such Court that the legal estate did not pass by such sale or conveyance, so as to preclude any one claiming under such purchaser from insisting on his having acquired the same, whenever it shall be requisite for his case or defence that he should have acquired the same.

if the purchaser has been ejected.

(4.) Where the possession has been actually changed under process of law or otherwise, adversely to the tax purchaser, in favor of the original owner who has, since the change, had continued possession.

Sales made valid in cases of vacant lands if the purchaser has paid eight years taxes and the owner not occupied.

2. The first section (subject to the exceptions in the sub-sections thereof,) shall apply also to make the sale valid in those cases in which the tax purchaser shall not have occupied the land, or any part thereof, or having occupied, shall not have occupied for the four years mentioned in the first section, or shall not have made improvements thereon to the value mentioned in such section; Provided the tax purchaser has since the sale, and prior to the first day of November, one thousand eight hundred and sixty-nine, paid at least eight years' taxes charged on the said lands; and provided that the owner has not occupied the land or some part thereof, for one year between the sale by the Sheriff and the said first day of November.

Sales made valid though no return by Surveyor-General if purchaser has improved and

3. The first section (subject to the exceptions in the sub-sections thereof) shall apply also to make a sale valid in those cases wherein any lands have been sold and conveyed under colour of any Statute providing for sale of lands for taxes in arrear, and the tax purchaser has gone into, and continued in, occupation of the lands sold, or of some part thereof, for at least four years prior to the said first day of November, in the year of our Lord one thousand eight hundred and sixty-nine, and has made improvements thereon to the value of two hundred dollars, notwithstanding that the land sold was not included in any return of lands described for patent, or as having been granted, which under any Statute regarding assessment of lands, should have been made by the Surveyor-General; Provided the patent granting such lands had been issued, and the land was occupied by the grantee, or by some person through or under whom he claimed, at least two years before the sale.

if patent issued and patentee occupied two years before sale.

Costs in actions pending;

4. In all cases where proceedings are now pending at law or in equity, wherein the validity of any sale or conveyance on sale for taxes may come into question, and wherein such sale or conveyance being invalid is made valid by this Act, it shall be competent to any person to carry on such proceedings and recover his costs, if entitled thereto, in the same manner, so far as regards

regards his right to costs, as if this Act had not been passed ; Provided that it shall be competent to any party to such proceedings, at any time to procure taxation of such costs, and on payment thereof before further costs after taxation are incurred, such proceedings shall cease : and if the amount taxed be tendered to the proper person before further costs are incurred, and he refuse to accept it, and the proceedings be continued, then if the Judge before whom the same shall be tried or determined, or the taxing officer, shall be of opinion that the carrying on such proceedings, subsequent to such tender, was unnecessary, he shall disallow to the party carrying on the proceedings the costs of such subsequent proceedings, and may, if, and as he see fit, allow costs of such subsequent proceedings against him. In any case also of refusal to accept the costs so taxed, the party having tendered the same may apply to the Court wherein such proceedings are pending, or any Judge in Chambers, that the proceedings may be stayed, and such Court, or Judge, on hearing the parties on affidavit or otherwise, may make such rule or order thereon on such terms and conditions as to payment of costs of the proceedings subsequent to the tender, and of the application, and otherwise, as to such Court or Judge seem fit.

taxation, payment, and tender thereof,

disallowance of subsequent costs.

Application to stay proceedings.

5. In all cases where lands have been validly sold for taxes or where the sale is made valid by this Act, then the conveyance by the Sheriff who made the sale, or his successors in office, shall not be invalid by reason of the Statute under the authority whereof such sale was made having been repealed at and before the time of such conveyance, or by reason of the Sheriff who made the sale having gone out of office.

Certain Sheriff's deeds not to be invalid, if the sale is valid.

6. In all cases where lands have been, or hereafter may be sold for arrears of taxes, whether such sale be or be not valid, then so far as regards rights of entry adverse to any *bona fide* claim or right, whether valid or invalid, derived mediately or immediately under such sale, the fifth section of the Consolidated Statutes of Upper Canada chapter ninety shall not apply, to the end and intent that hereafter in such cases the right or title of persons claiming or to claim adversely to any such sale shall not be conveyed where any person is in occupation adversely to such right or title, and that in such cases the Common Law and the second, fourth and sixth sections of the statute passed in the thirty-second year of the reign of King Henry the Eighth, chapter nine, be revived, and the same are hereby revived.

Rights of entry adverse to tax-purchaser in possession not to be conveyed.

Common Law and 32 H. 8, ch. 9 revived.

7. Nothing in this Act contained shall affect the right or title of the owner of any lands sold as for arrears of taxes, or of any person claiming through or under him, where such owner at the time of such sale was in occupation of the lands, and the same have since been in the occupation of such owner, or of those claiming through or under him.

The Act not to apply where the owner has occupied since sale.

Other Acts remedial to purchasers continued.

8. Nothing in this Act contained shall prejudice the right or title which any purchaser at any sale for taxes, or any one claiming through or under him, shall have acquired, or hereafter may acquire, under any Statute in force prior to the passing hereof.

Where sale or conveyance void for uncertainty, and purchaser has improved, the value of the land and improvements, &c., to be assessed, and

9. In all cases, (not being within any of the exceptions and provisions of any of the four sub-sections to section one), where lands having been legally liable to be assessed for taxes, have been heretofore, or may be hereafter, sold as for arrears of taxes, and such sale or the conveyance consequent thereon is invalid by reason of uncertain or insufficient designation or description of the lands assessed sold or conveyed, and the right or title of the tax purchaser is not, or does not become valid by this or any other Act, and the tax purchaser has entered, or hereafter may enter on the lands so liable to assessment or any part thereof, and has improved or hereafter may improve the same, then in case an action of ejectment be brought against such tax purchaser and he be liable to be ejected by reason of the invalidity of such sale or conveyance, the Judge of Assize before whom such action is tried shall direct the jury to assess, or shall himself, (if the case be tried without a jury), assess damages for the defendant for the amount of the purchase money at such sale and interest thereon, and of all taxes paid in respect of the lands since the sale by the tax purchaser and interest thereon, and of any loss to be sustained in consequence of any improvements made before the commencement of such action by the defendant, and all through or under whom he claims, less all just allowances for the net value of any timber sold off the lands, and all other just allowances to the claimant, and assess the value of the land to be recovered; and if a verdict be found for the claimant, no Writ of Possession shall issue until such claimant has paid into court for the defendant the amount of such damages: Provided always that if the defendant desires to retain the land, he may retain it, on paying into court, on or before the fourth day of the ensuing term, or on or before any subsequent day to be appointed by the court, the value of the land as assessed by the jury; after which payment, no writ of possession shall issue, but the claimant on filing in court for the defendant a sufficient release and conveyance to the defendant, of his right and title to the land in question, shall be entitled to the money so paid in.

the claimant to pay for improvements, &c., unless tax-purchaser elect to retain the land on paying its value.

When the owner is not tenant in fee, the value of the land to be paid into Chancery.

10. In any of the cases named in the ninth section wherein the claimant shall not be tenant in fee simple or fee tail, the payment into court to be made as aforesaid, of the value of the land, by the defendant desiring to retain the land, shall be into the Court of Chancery, and the claimant and all parties entitled to and interested in the said lands, as against the purchase at such sale for taxes, on filing in the Court of Chancery a sufficient release and conveyance to the defendant of their respective rights and interests to the land, shall

be entitled to the money so paid in in such proportions and shares as to the Court of Chancery, regarding the interests of the various parties, shall seem proper: Provided also that in any of such cases wherein the defendant shall not be tenant in fee simple or fee tail, then the payment of damages into court to be made as aforesaid by the claimant, shall be into the Court of Chancery: and if the defendant do not pay into the court wherein such action is brought, the value of the land assessed as aforesaid, on or before the fourth day of the said term, or on or before such subsequent day as may be appointed by the court, then any other person interested in the lands under the sale or conveyance for taxes, may, before the end of the said term, or before the expiry of ninety days from any subsequent day to be appointed by the court for payment by the defendant, pay into court the said value of the lands; and till expiration of the time within which such payment may be made, and after such payment no writ of possession shall issue: and the defendant, or other person so paying in shall be entitled as against all others interested in the lands under the sale or conveyance for taxes, to a lien on the lands for such amount as may exceed the proportionate value of his interest in the lands, enforceable in such manner and in such shares and proportions as to the Court of Chancery, regarding the interests of the various parties, and on hearing the parties, seem fit. And in case the defendant or any other person interested pay into court in manner aforesaid, the claimant shall be entitled to the amount so paid in, on filing in court a sufficient release and conveyance to the party so paying in, of all his right and title to the lands, in which release and conveyance it shall be expressed that the same is in trust for such party, to secure his lien as aforesaid. And if the said value of the lands be not paid into court as above provided, then the amount of the damages paid into the Court of Chancery shall be paid out to the various persons, who, if the sale for taxes were valid would be entitled to the lands, in such shares and proportions as to the Court of Chancery, regarding the interests of the various parties, shall seem fit.

When the defendant is not tenant in fee, the value of improvements, &c., to be paid into Chancery.

The payer to have a lien for such proportion as exceeds his interest.

How the owner can obtain the value of the land paid in.

How the value of improvements, &c., paid in can be obtained.

§ 1. In all cases in which both the claimant (if his title were good) would be entitled in fee simple or fee tail, and the defendant (if his title were good) would be also so entitled, wherein the Jury, or the Judge if there be no Jury, before whom any action of ejectment may be tried, assess damages for the defendant as provided in the next preceding sections, and when it satisfactorily appears that the defendant does not contest the claimant's action for any other purpose than to retain the land on paying the value thereof, or obtain damages, the Judge before whom such action is tried, shall certify such fact upon the record, and thereupon the defendant shall be entitled to the costs of the defence, in the same manner as if the claimant had been non-suited on the trial, or a verdict had been rendered for the defendant; provided the defendant, at the time of appearing, gave

Provision as to costs in cases within s. 10, when value of the land and improvements, &c., only in question.

gave notice in writing to the claimant in such ejectment, or to his attorney named on the writ, of the amount claimed, and that on payment of such amount, the defendant or person in possession would surrender the possession to such claimant; or that he desired to retain the land, and was ready and willing to pay into Court a sum mentioned in the said notice as the value of the land, and that the said defendant did not intend at the trial to contest the title of the claimant: and if on the trial it be found that such notice was not given as aforesaid, or if the Judge or Jury assess for the defendant a less amount than that claimed in the notice, or find that the defendant had refused to surrender possession of the land after tender made of the amount claimed, or, (where the defendant has given notice of his intention to retain the said land), that the value of the land is greater than the amount mentioned in the said notice, or that he has omitted to pay into Court the amount mentioned in the said notice for thirty days after the claimant has given to the defendant a written notice that he did not intend to contest the value of the land mentioned in such notice, then in any such case the Judge shall not certify, and the defendant shall not be entitled to the costs of the defence, but shall pay costs to the claimant; and upon the trial of any cause after such notice no evidence shall be required to be produced in proof of the title of the claimant.

Contracts between tax purchaser and original owner continued.

12. No valid contract entered into between any tax purchaser and original owner, in regard to any lands sold or assumed to have been sold for arrears of taxes, as to purchase, lease, or otherwise, shall be annulled or interfered with by this Act, but such contract shall remain in force, and all consequences thereof, at law or in equity, as to admission of title or otherwise, as if this Act had not been passed.

Tax-purchaser without a remedy whose title is invalid, to have a lien on the land for purchase money, &c.

13. In any case in which the title of the tax purchaser is not valid, or is not made valid by this Act, or in which no remedy is otherwise provided by this Act, the tax purchaser shall have a lien on the lands for the purchase money paid at such sale, and interest thereon at the rate of ten per centum per annum, and for the amount of all taxes paid by him or them since such sale and interest thereon at the rate aforesaid, to be enforced against the lands in such proportions as regards the various owners, and in such manner as the Court of Chancery think proper.

Construction of certain terms used in this Act.

14. In the construction of this Act, occupation by a tenant shall be deemed the occupation of the reversioner; and the words "tax purchaser" shall apply to any person who purchased heretofore at any sale under color of any statute authorizing sales of lands for taxes in arrear, and include and extend to all persons claiming through or under him; and the words "original owner" shall include and extend to any person who,

who, at the time of such sale, was legally interested in or entitled to the land sold, or assumed to be sold, and all persons claiming through or under him.

CAP. XXIV.

An Act to provide for the organization of the Territorial District of Parry Sound.

[Assented to 24th December, 1869.]

WHEREAS it is desirable in consideration of the great Preamble.
increase in the population, and the rapid growth of settlements in the unorganized territory lying north of the District of Muskoka, and east of the Georgian Bay, and that provisions shall be made for the more ready and convenient administration of justice, and for the registration of deeds and instruments relating to lands in that part of this Province; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Lieutenant-Governor in Council, may, by proclamation declare that from and after a day to be named therein, the following territory shall, for the purposes of this Act, be and form one territorial district or division, by the name of the district of Parry Sound, and that any township or land comprised in any such territory shall for the purposes of this Act be detached from the county or district to which it may belong, which is bounded as follows:—that is to say, commencing at a point where the south boundary of the township of Foley produced on a course south sixty-nine degrees, eight minutes and twenty seconds west, intersects the waters of the Georgian Bay, then north sixty-nine degrees, eight minutes and twenty seconds east, along the said boundary produced to the limit between the townships of Foley and Humphry, thence north twenty degrees, fifty-one minutes and forty seconds west, along the said limit to the north-west corner of the township of Humphry, thence easterly along the limit between the townships of Humphry and Christie, and along the northerly boundary of the townships of Cardwell, Stisted and Chaffey to the north-east corner of the said township of Chaffey, thence north sixty-nine degrees, eight minutes and twenty seconds east, to the line surveyed for the continuation of the Bobcaygeon Road, thence north twenty degrees, fifty-one minutes and forty seconds west, along the said line to the waters of Lake Nipissing, thence westerly along the main channel of said lake, and along the main channel of French River to its most westerly mouth at the intersection of the easterly boundary of the district of Algoma with the waters of the

Lieutenant-Governor may erect certain unorganized territory into a temporary judicial district to be called the district of Parry Sound.

the Georgian Bay, thence south-easterly along the easterly shore of the said Georgian Bay to the place of beginning, including Parry Island and the islands opposite to and along the shore of the said District.

District may be divided into divisions.

2. The Lieutenant-Governor in Council may divide the district of Parry Sound into two or more divisions, and appoint, and from time to time, alter the number, limits and extent of every such division, and may number the same consecutively, commencing at number one.

Court to be held in each Division.

3. A court shall be held in every such division, once in every three months, or oftener at the discretion of the stipendiary magistrate, who may appoint, and, from time to time, alter the times and places within such divisions when and at which, such courts shall be holden subject to the approval of the Lieutenant-Governor in Council.

Stipendiary magistrate may be appointed.

4. The Lieutenant-Governor may from time to time, appoint in and for the said territorial district, a fit and proper person to be stipendiary magistrate thereof, who shall hold office during pleasure, and exercise, within such district, the magisterial, judicial and other functions herein expressed or provided for, and who shall reside in such place within the said district as the Lieutenant-Governor may direct.

Salary of such magistrate.

5. Every such stipendiary magistrate shall be paid out of the Consolidated Revenue Fund of this Province, the yearly sum of one thousand dollars, to be paid quarterly, on the first days of January, April, July and October in each year, by equal portions; and may moreover have and take, to his own use, the fees authorized to be taken by Justices of the Peace or by their clerks, in cases of summary convictions.

Form of oath.

6. The oath to be taken by the stipendiary magistrate of the said district of Parry Sound, in addition to his oath of office as a Justice of the Peace, shall be as follows:—

“I, A. B., do swear, that I will truly and faithfully execute the several powers, duties and trusts committed to, or required of me, by the Act to provide for the organization of the territorial district of Parry Sound, without fear, without favour, and without malice. So help me God.”

Con. Stat. U. C., ch. 128, ss. 5, 7 to 88 to apply with certain substitutions.

7. The provisions of the fifth, seventh, and following sections down to section number eighty-eight inclusive of chapter one hundred and twenty-eight, of the Consolidated Statutes of Upper Canada, intituled “An Act respecting the administration of Justice in unorganized tracts,” shall extend and apply to the said district of Parry Sound in the same manner and with the like effect, as if they and each of them were here inserted and re-enacted, and made applicable in express terms to the said district of

of Parry Sound, with the substitution of the words "Lieutenant-Governor," for the word "Governor;" the word "Ontario," for the words "Upper Canada;" the words "the said territorial District," for the words "such temporary Judicial District," "his temporary Judicial District," "the temporary Judicial District," "each temporary Judicial District," "any temporary Judicial District," or "every temporary Judicial District;" the words "Commissioner of Agriculture and Public Works," for the words "Commissioner of Public Works;" the words "the District of Parry Sound," for the words "the temporary Judicial District of Parry Sound;" the words "Treasurer of the Province," for the words "Minister of Finance;" the word "District," for the words "unorganized Country;" wherever the same occur in the said sections, or any of them.

8. The Lieutenant-Governor in Council may, from time to time, appoint fit and proper persons to be and act as Justices of the Peace in and for the said territorial district of Parry Sound; and it shall not be necessary for any such Justices of the Peace to possess any property qualification whatever, or to be a stated resident within the said territorial district, Justices of the peace may be appointed. Qualification, &c., not necessary.

9. The Justices of the Peace appointed under this Act shall have, hold and exercise all and any of the powers and authority, and be subject in all respects (except as to any matters incident to the residence or property qualification, required in cases not within the meaning of this Act) to the requirements of the laws in force in this Province respecting the office of Justice of the Peace, in so far as the same may be applicable to the persons appointed under this Act, and not inconsistent with the removal of the restrictions hereby intended. Authority of such justices.

10. Whenever, in the exercise of the powers and authority aforesaid, any Justice of the Peace, appointed under this Act, causes any person to be committed to prison, such Justice may cause such person to be committed to the common gaol of the said territorial district, and the keeper of the said gaol shall receive such person, and him safely keep and detain in such common gaol, in his custody until discharged in due course of law, or bailed in cases in which bail may be taken. Justices may make commitments to the gaol of the territorial district.

11. And all returns of convictions required by law to be made by any Justice or Justices of the Peace for the said district of Parry Sound, shall be made to the Clerk of the Peace for the county of Simcoe. Returns of convictions.

12. In amendment of section number nine of chapter one hundred and twenty-eight of the Consolidated Statutes for Upper Canada, so far as the said mentioned section is, by this Act made applicable to the said district of Parry Sound, the words "the common gaol of the county of Simcoe are substituted for, and Sec. 9. ch. 128, Con. Stat. U. C. amended.

and to be read instead of the words "the common gaol of the proper county," in the said section number nine.

Appeal to be to the general sessions of the County of Simcoe.

13. In all cases arising in the said district, in which, according to the general laws of this Province, an appeal lies from the decision of any one or more Justices of the Peace, to the general sessions of the peace, such appeal shall lie to and may be brought before and heard and determined by the court of general sessions of the peace for the county of Simcoe and shall be claimed and allowed and prosecuted in the same manner, and within the same period, as if the same had arisen within the limits of the said county of Simcoe; Provided that no appeal shall lie from any judgment or decision of the stipendiary magistrate of the said district.

Registrar of deeds may be appointed.

14. The Lieutenant-Governor in Council may appoint a registrar of deeds in and for the said territorial district, who shall hold office during pleasure, and shall register all deeds and other conveyances and instruments relating to lands situate in any part of the said territorial district, and laid out and surveyed by the crown.

Office, duties and fees of registrar.

15. The said registrar shall keep his office in a place to be named for that purpose in his commission, or at such other place as may be appointed from time to time by the Lieutenant-Governor in Council, and his duties shall be the same as the duties of other registrars under the registry laws of this Province; and his fees shall be the same as those appointed and established by such registry laws.

Certain registrars to transfer books, deeds, etc.

16. The registrars of the County of Simcoe and the District of Nipissing respectively when thereunto required by the Lieutenant-Governor, shall transfer and deliver to the registrar of the said district of Parry Sound all books, deeds, papers, plans and documents in their possession respectively as such registrars referring or relating exclusively to any lands within the said district of Parry Sound; and all the provisions of the registry laws of this Province relating to the transfer of books, deeds, memorials, plans, wills and other documents or instruments from one registry office to another registry office when a part of a county has been detached therefrom and set apart for registration purposes, shall apply to the establishment of the said registry office in the said district of Parry Sound.

Registry laws to apply.

Commissioners for taking affidavits.

17. The superior courts at Toronto may from time to time appoint commissioners for taking affidavits and recognizances of bail in and for the said territorial district, and the Queen's writs shall run and may be executed in any part of the said district.

Schedules appended to Con. Stat. U. C. ch. 128 to

18. All the schedules appended to the said Act intituled "An Act respecting the administration of justice in unorganized tracts" are adopted, and are to be regarded and construed as appended

appended to this Act, with the same substitution of one word for another word, and of one set of words for another set of words, as is hereinbefore provided in respect of the several sections of the said Act which are adopted and embodied in and made part of this Act.

19. For all municipal purposes, for the purpose of representation in the Legislative Assembly, and for the administration of civil and criminal justice, in all cases not provided for by this Act, the said townships and territory composing the said district of Parry Sound, shall remain as before the passing of this Act.

For certain purposes, district to remain as before this Act.

20. The provisions of the sections one hundred and seventy-five, one hundred and seventy-six, one hundred and seventy-seven, one hundred and seventy-eight, one hundred and seventy-nine, one hundred and eighty, and of sections one hundred and sixty and the sections following, to section one hundred and seventy-three inclusive, and of section one hundred and thirty-nine, of the chapter nineteen of the Consolidated Statutes for Upper Canada, entitled "An Act respecting Division Courts," together with the provisions of an Act passed in the thirty-second year of Her Majesty's reign, intituled "An Act to amend the Acts respecting Division Courts," shall extend and apply to the said district of Parry Sound, and to the several courts established in the said district and to the proceedings in such courts, in the same manner, and with the like effect, as if they, and each of them, were here inserted and re-enacted and made applicable in express terms to the said district.

Certain provisions of ch. 19, Con. Stat. of U. C. adopted.

21. The several instruments mentioned in section number seven of chapter forty-five of the Consolidated Statutes of Upper Canada, entitled "An Act respecting mortgages and sales of personal property," when made or executed within the said district of Parry Sound, or affecting personal property therein, shall be registered in the office of the clerk of the first division court of the said district, at the Village of Parry Sound; and when so registered shall have the like effect as similar instruments executed in any county of this Province have, when registered in the office of the clerk of the county court of the proper county.

Instruments under Con. Stat. U. C., ch. 45, how registered.

22. The Lieutenant-Governor in Council may from time to time, by proclamation, detach any township or territory from the judicial districts of Nipissing, Algoma and Muskoka, and annex the same to the said territorial District of Parry Sound, and may also, by any subsequent proclamation, declare that the said District of Parry Sound, with or without any other territory, shall, from a day to be mentioned in such last mentioned proclamation, constitute and form a provisional judicial district, under the provisions of the ninety-second section of the said chapter one hundred and twenty-eight of the Consolidated Statutes of Upper Canada.

Lieut.-Gov. may annex other territory and may erect said district into a provisional judicial district under Con. Stat. U. C. ch. 128, s. 92.

CAP. XXV.

An Act to establish Municipal Institutions in the District of Algoma.

[Assented to 24th December, 1869.]

Preamble.

WHEREAS it is expedient and necessary to grant to the inhabitants of the District of Algoma the privileges now enjoyed by the remainder of the Province of Ontario, by the establishment of Municipal Institutions in such portions of the said District as are warranted by the population; and whereas it is advisable that the said District, wherever there are settlements of any great extent, should be divided into Independent Municipalities, having all the necessary powers for local taxation, for self-government, and the improvement of the said Municipalities; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Municipalities may be organized.

1. It shall be lawful for the inhabitants of the District of Algoma, wherever there is a settlement of a population of not less than two hundred persons, to organize themselves into a Municipality.

Area of Municipality.

2. The said Municipality shall extend over and contain an area of not less than thirty thousand, nor more than sixty thousand acres of land.

District Judge upon petition, to call a public meeting to form Municipality.

3. In order to constitute and establish a Municipality as above provided, it shall be lawful for the Judge of the District of Algoma, upon the receipt of a petition signed by not less than fifty in any settlement in the said District, to call a meeting by public notice, of said inhabitants, to consider the expediency of erecting a Municipality, at which meeting the extent and boundary of said proposed Municipality shall be defined, and a name selected for the same.

Petitioners to make a deposit to meet expenses of the meeting and election.

4. Before the said Judge shall call said meeting, it shall be the duty of those petitioning for said Municipality, to deposit with him a sum sufficient to meet the expense of said meeting, as also of the election to be held as hereafter provided.

Judge to appoint Chairman.

5. The said Judge shall name some fit and competent person to preside at said meeting, who shall forthwith report the result of the same to said Judge.

Judge to provide for first election.

Requisites of notice for first election.

6. Upon receiving the report of said meeting, the Judge shall fix a time and place for holding the first election in said proposed Municipality, and shall in the notice providing for said election, define the extent and boundaries of said proposed Municipality,

Municipality, and also name the Returning Officer who shall preside at said election.

7. The said election shall be conducted in the same manner as is provided for Municipal elections in Ontario, and the persons qualified to vote at said election shall be the male British subjects of the full age of twenty-one years, and being householders.

First election, how conducted.
Who to vote.

8. At said election there shall be elected five Councillors with the same qualification as voters.

Five Councillors to be elected.

9. After the said election the said Returning Officer shall return to the said Judge the result of the same, and the said Judge shall, as soon as may be convenient thereafter, by public notice, declare the names of the persons so elected, who shall forthwith enter upon the duties of their office; and the said Municipality shall from thenceforth be known as the "Corporation of the Municipality of _____:" and the said Councillors shall hold and continue in office until their successors are elected, as hereinafter provided.

Declaration.
Name of Municipality.
Tenure of office of Councillors.

10. The said Councillors shall, at their first meeting, which shall be fixed by the said Judge, before entering upon their duties, elect one of their number as Chairman; and the said Returning Officer shall preside at the first meeting.

First meeting of Council.
Appointment of Chairman.

11. The said Councillors shall, at their first meeting, or as early as possible thereafter, appoint a Clerk, Treasurer and Collector, who shall hold office until removed or dismissed by said Councillors; and the said Councillors shall also fix the remuneration to be paid said officers, by by-law to be passed for that purpose.

Appointment and remuneration of Clerk, Treasurer and Collector.

12. The said Council shall at their first meeting or as early as convenient after their first meeting, appoint one or more Assessors, who shall enter upon a roll, to be provided for that purpose, the names of all the freeholders and householders in said Municipality, and the amount of all the real and personal property owned by them respectively, and the actual value thereof, and at the same time entering on said roll whether the owners are resident or not; and the said Assessor or Assessors shall duly notify the person or persons so assessed by leaving a notice at his or her place of abode, or if a non-resident, by leaving the same at the nearest Post Office, stating in such notice the particulars of said assessment.

Appointment of Assessors.
Assessment rolls.

13. The said roll shall be returned to the Clerk of the Municipality within such time as shall be provided for by a by-law to be passed by said Council.

Rolls to be returned to the Clerk.

14. The person or persons so assessed, if he shall complain of

Appeal of

against assessment. of his assessment, shall, within one month after the time fixed for returning said roll, notify, in writing, the Clerk of his grounds of complaint.

Council to hear and determine appeals.

15. The said Council shall, within two months after the time fixed for returning the roll, appoint a time and place for hearing said complaints, and shall, after hearing the parties complaining, as well as the assessor or assessors, and such evidence as may be adduced, alter or amend the roll accordingly, and such decision shall be considered as final.

Revised roll to be the roll of the Municipality.

16. The said roll, so finally revised, shall be taken and held as the roll of the Municipality for all purposes, until a new roll shall have been made and returned as hereinafter provided.

Council to fix time for making assessment.

17. The said Council shall, by by-law, fix the time for making the assessment in the Municipality at periods of not less than one, nor more than three years; Provided always, that the year for the purposes of this Act, shall be considered as commencing on the first day of July in each and every year.

Council to levy rates.

18. The Council may, in each and every year after the final revision of the roll, pass a by-law for levying a rate on all the real and personal property on said roll, of not more than two cents on the dollar, to provide for all the necessary expenses of said Municipality, and also such sum or sums as may be found expedient for the purposes mentioned in the next section of this Act.

Council to pass certain by-laws.

19. The said Council shall have power to pass by-laws for such purposes as are provided for regarding Townships under the Municipal Institutions Acts of Ontario.

The Collector, his returns and powers.

20. The said Council shall, by by-law, fix the time for the Collector making his return, and the said Collector shall have the same powers as are conferred on Collectors by the said Municipal Institutions Acts of Ontario.

Second election of Councillors.

21. The second election of Councillors shall take place on the first Monday in July in the second year after the first election, and every subsequent election on the first day of July in each and every year thereafter; and the said Council shall, by by-law, fix the place for holding the said election, and shall, also name the Returning Officer to preside at said election, and the said election shall be conducted in the same manner as is provided for Township elections in Ontario.

Who qualified to vote.

22. The persons qualified to vote at every election after the first, shall be the resident male freeholders and householders of said Municipality whose names appear in the last revised Assessment Roll, of the full age of twenty-one years, and naturalized, or natural born subjects of Her Majesty, and the said Roll shall

shall be taken to be final and conclusive, so far as the qualification of electors is concerned.

23. The persons qualified to be elected as Councillors in said Municipality after said first election, shall, in addition to the qualification required for voters, be assessed in the said Assessment Roll, for at least one hundred dollars freehold, or two hundred dollars leasehold. Qualification of Councillors.

24. If any dispute shall arise as to the said elections, or the mode of conducting the same, it shall be the duty of the said Judge to decide the same, and the same proceedings shall be taken as are provided in the Municipal Institutions Acts of Ontario. Judge to decide disputes as to elections.

25. If any dispute shall at any time arise as to the validity of any by-law, or resolution, or order of the Municipality, the same shall be referred to the Judge of the District, whose decision thereon shall be final, and the said Judge shall have the power of enforcing his decision, if necessary, by a writ or writs under his hand and seal, to be directed to the Sheriff of the said District, adapted to the purposes intended. Judge to decide disputes as to validity of by-laws, etc.

26. In case the seat of any member of the Council shall become vacant by death, resignation, or a continued absence from meetings of the Council for a period of three months, it shall be the duty of the Council to direct a new election to be held, for the purpose of supplying such vacancy. Vacancy in Council, how filled.

27. The Chairman of the said Council shall preside at all meetings thereof, and in the event of his absence, the Council shall choose from among their number, a person to preside, and in such case, the said person so presiding, shall have all the powers and exercise all the functions appertaining to the Chairman. Who to preside at meetings of the Council.

28. The Chairman of the Municipality shall be *ex-officio* a Justice of the Peace, and shall have the like powers as are exercised by Justices of the Peace in the Province of Ontario. Chairman a Justice of the Peace.

29. The Council shall have the power to pass by-laws regulating and limiting the number of licenses for the sale of intoxicating liquors, for appointing an Inspector, and for enforcing their said by-laws and regulations. Council to regulate tavern licenses.

30. The said Council may establish and maintain a lock-up house, within the Municipality, and may establish and provide for the salary or fees to be paid the constable to be placed in charge of such lock-up house; and the said Council shall have power to remove or suspend such constable for neglect of duty or other misconduct. Council may establish a lock-up house. Appointment of a Constable thereto.

Appointment
and removal
of Constables.

31. The said Council shall have the power to appoint one or more Constables, within the Municipality, whose duty it shall be to enforce and maintain law and order, and who shall perform all duties appertaining to Constables in Ontario; and the said Council shall have the power, from time to time, to remove the same, for any misconduct in their office, and shall also regulate the fees to be paid said Constables.

Certain sec-
tions of 29 &
30 Vic., ch.
51, to apply.

32. In addition to the powers conferred upon said Municipality by this Act, the following sections, with their sub-sections, of the Municipal Institutions Act of Ontario, passed in the session held in twenty-ninth and thirtieth years of the reign of Her Majesty, and chaptered fifty-one, shall be applicable to the said Municipality, so far as they can be adapted to the same, viz.:

"Sections one hundred and fifty-two, one hundred and sixty-one, one hundred and sixty-nine, one hundred and seventy, one hundred and seventy-one, one hundred and seventy-two, one hundred and seventy-three, one hundred and seventy-eight, one hundred and seventy-nine, one hundred and eighty-one, one hundred and eighty-two, one hundred and eighty-three, one hundred and eighty-four, one hundred and eighty-seven, one hundred and eighty-eight, one hundred and ninety-three, one hundred and ninety-four, two hundred and seven, two hundred and eight, two hundred and nine, two hundred and ten, two hundred and eleven, two hundred and eighteen, two hundred and forty-six, two hundred and sixty-nine, three hundred and thirty-eight, three hundred and thirty-nine, three hundred and fifty-four, four hundred and twenty.

Sheriff to file
list of free-
holders, &c.

33. It shall be the duty of the Sheriff of the District of Algoma, within six months after the passing of this Act, to cause a list to be taken of all the freeholders and householders in the said District, and file the same in the office of the Clerk of the Peace, subject to such rules and regulations as may be provided and made by the Lieutenant-Governor in Council.

Who entitled
to vote at Par-
liamentary
elections.

34. The persons entitled to vote at the Parliamentary Elections for the Province of Ontario, shall be the resident householders of said District and the freeholders, whether resident or not, whose names shall have been duly entered upon the lists taken by the said Sheriff and filed in the office of the Clerk of the Peace, except the Indians belonging to tribes, and Indians in receipt of Government aid or bounty.

CAP. XXVI.

An Act to amend the Act, chaptered fifty-one, passed in the Session held in the twenty-ninth and thirtieth years of the Reign of Her Majesty; the Act of the Province of Ontario chaptered thirty, passed in the thirty-first year of Her Majesty's reign; and the Act of the said Province chaptered forty-three, passed in the thirty-second year of Her Majesty's reign.

[Assented to 24th December, 1869.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. That sections eighty-seven, eighty-eight, eighty-nine, ninety, and sub-section three of section two hundred and eighty-four, sub-sections eight, ten and fifty-six of section two hundred and ninety-six, sections three hundred and twenty-nine, three hundred and thirty, three hundred and thirty-one and sub-section two of section three hundred and fifty-three of the Act passed in the twenty-ninth and thirtieth years of Her Majesty's reign, chaptered fifty-one, and section forty-four of the Act of this Province passed in the thirty-first year of Her Majesty's reign, chaptered thirty, be and the same are hereby repealed.

Repeal of certain sections of 29 and 30 Vic., ch. 51.

31 Vic., ch. 30, s. 44 repealed.

2. That all the words between the word "ward" in the fifth line, and the word "and" in the seventh line of section six, of the Act passed in the thirty-first year of Her Majesty's reign, chaptered thirty, be struck out.

31 Vic., ch. 30, s. 6 amended.

3. That the Electors of every Municipality, (except a county), shall elect annually on the first Monday in January the members of the Council of the Municipality, except such members as may have been elected at the nomination; and on the second Monday in January the electors of every Police Village shall annually elect the Police Trustees of the Village; and the persons so elected shall hold office until their successors are elected or appointed and sworn into office, and the new Council or Police Trustees is or are organized.

Annual election of members of the Council (except in Counties), and of Police Trustees.

4. In lieu of said sub-section three of section two-hundred and eighty-four, the following is substituted:—

29 and 30 Vic., ch. 51, s. 284, sub. sec. 3 amended.

For preventing vice, drunkenness, profane swearing, obscene, blasphemous, or grossly insulting language, and other immorality and indecency.

5. In lieu of said sub-section eight of section two hundred and ninety-six, the following is substituted:—

29 and 30 Vic., ch. 51, s. 296, sub-s. 8 amended.

(8.)

(8.) For preventing or regulating the sale by retail in the public streets, or vacant lots adjacent thereto, of any meat, vegetables, grain, hay, fruit, beverages, small ware and all other articles offered for sale.

S. 296, sub-s.
10 amended.

6. In lieu of said sub-section ten of section two hundred and ninety-six the following is substituted:—

(10.) For regulating the place and manner of selling and weighing grain, meat, vegetables, fish, hay, straw, fodder, wood, lumber, shingles, farm produce of every description, small ware, and all other articles exposed for sale; and the fees to be paid therefor; and also for preventing criers and vendors of small ware from practising their calling in the market, public streets, and vacant lots adjacent thereto.

S. 296, sub-s.
56 amended.

7. In lieu of said sub-section fifty-six of section two hundred and ninety-six the following is substituted:—

(56.) For licensing, regulating and governing transient traders and other persons who occupy places of business in the city, town, or incorporated village for periods less than one year, and whose names have not been duly entered on the assessment roll for the then current year.

S. 329 amended.

8. In lieu of said section three hundred and twenty-nine the following is substituted:—

In case a road lies wholly or partly between a county, town, city, township, or incorporated village, and an adjoining county or counties, town, city, township, or incorporated village, the councils of the municipalities between which the road lies, shall have joint jurisdiction over the same, although the road may so deviate as in some places to be wholly or in part within one or either of them, and the said road shall include a bridge forming part of the road.

S. 330 amended.

9. In lieu of said section three hundred and thirty the following is substituted:—

No by-law of the council of any one of such municipalities with respect to any such last mentioned road or bridge, shall have any force until a by-law has been passed in similar terms as nearly as may be, by the other council or councils having joint jurisdiction in the premises.

S. 331 amended.

10. In lieu of said section three hundred and thirty-one the following is substituted:—

In case the other council or councils for six months after notice of the by-law, omit to pass a by-law or by-laws in similar terms, the duty and liabilities of each municipality in respect to

to the road or bridge shall be referred to arbitration under the provisions of this Act.

11. That the following sub-section be added to section three hundred and forty-five of the said Act chaptered fifty-one :— S. 345 amend-
ed.

(9.) For setting apart so much of any high-way as they may deem necessary for the purposes of a foot path, and for imposing penalties on persons travelling thereon on horseback or in vehicles.

12. That the following be added to section three hundred and fifty-two of the said Act chaptered fifty-one :— S. 352 amend-
ed.

And may also pass by-laws to authorize companies or individuals to construct tram and other railways along any high-way on such terms and conditions as the council shall see fit.

13. In lieu of said sub-section two of section three hundred and fifty-three the following is substituted :— S. 353 sub-s 2
amended.

The two arbitrators appointed by or for the parties shall choose a third arbitrator, and if more than two municipalities are interested, each of them shall appoint an arbitrator, and the award of a majority of them shall be final. In case of an equality of arbitrators they shall appoint another arbitrator, or in default, at the expiration of thirty days after such arbitrators have been appointed, the Lieutenant-Governor in Council may, on the application of any one of the municipalities interested, appoint such arbitrator.

14. In section one of the Act of this Province chaptered forty-three, passed in the thirty-second year of Her Majesty's reign, the following words are struck out in the tenth and eleventh lines, "In case a majority in number of the resident or other owners," and the following, substituted therefor: In case a majority in number of the resident owners, as shown by the last revised assessment roll, or a majority of the non-resident owners, or a majority of all the owners. 32 Vic., ch.
43, s. 1 amend-
ed.

15. In lieu of section forty-four of the said Act passed in the thirty-first year of Her Majesty's reign, and chaptered thirty the following is substituted :— 31 Vic., ch. 30
s. 44 amended.

Every municipality shall have the power of exempting any manufacturing establishment from taxation for any period not longer than five years.

16. That sub-section four of section three hundred and forty-one of the said Act chaptered fifty-one shall be and the same is hereby made permissive. S. 341 sub-s. 4
made permis-
sive.

Municipal debentures in exchange for others, how issued.

17. That it shall not be necessary for any county when passing a by-law authorizing the issue of debentures of the said county for the sole purpose and no other of exchanging or redeeming the present outstanding debentures of said county, to comply with the formalities of the two hundred and twenty-sixth section of the Act passed in the Session held in the twenty-ninth and thirtieth years of her Majesty's reign, chaptered fifty-one.

Act in force on 1st Feb., 1870.

18. That this Act shall not come in force, or take effect till the first day of February, in the year 1870.

CAP. XXVII.

An Act to amend chapter thirty-six of the Statutes of Ontario, entitled "An Act to amend and consolidate the Law respecting the Assessment of Property in the Province of Ontario," passed in the thirty-second year of the reign of Her Majesty.

[Assented to 24th December, 1869.]

Preamble.

WHEREAS it is expedient to amend the above recited Act ;
Therefore Her Majesty, by and with the advice and, consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Sub-sec. 12 of sec. 9 amended.

1. That sub-section twelve of section nine of the said Act be amended by inserting the word "while" before the word "occupied" in the first line.

Sub-s. 14 of s. 9 amended.

2. That sub-section fourteen of section nine of said Act, be amended, by adding the following words thereto,—"and the income of merchants, mechanics, or other persons derived from capital liable to assessment."

Sub-s. 17 of s. 9 amended.

3. That sub-section number seventeen of the said section nine be amended, by adding thereto the words following, "and the shares in building societies, Provided always the interest and dividends derived from shares in such building societies shall be liable to be assessed; and so much of the personal property of any person as is invested in any company incorporated for the purpose of lending money on the security of real estate, Provided that this shall not exempt the interest or dividends derived from such investments.

S. 9, sub-s. 22 amended.

4. That sub-section twenty-two of said section nine be repealed, and the following substituted: "The stipend or salary of

of any clergyman or minister of religion, while in actual connection with any church, and doing duty as such clergyman or minister to the extent of one thousand dollars, and the parsonage or dwelling-house occupied by him, with the land thereto attached, to the extent of two acres, and not exceeding two thousand dollars in value."

5. That section thirty of said Act be amended by adding the S. 30 amended. following words, "provided that in estimating the value of mineral lands, such lands and the buildings thereon shall be valued and estimated at the value of other lands in the neighbourhood for agricultural purposes, but the income derived from any mine or mineral work shall be subject to taxation in the same manner as other incomes under this Act."

6. That section eighty-nine of the said Act be amended by S. 89 amend- adding the following words after the word "value" in the tenth ed. line, "provided always that whenever one person shall be assessed for lots or parts of several lots in one municipality, not exceeding in the aggregate two hundred acres, the said part or parts shall be rated and charged for statute labour, as if the same were one lot, and the statute labour shall be rated and charged against any excess of said parts in like manner."

7. That section one hundred and three of the said Act be S. 103 amend- amended by erasing the word "April," and inserting instead ed. thereof the word "February."

8. That sub-section two of section one hundred and thirty- Sub.-s. 2 of s. eight of said Act be hereby repealed, and the following sub- 138 amended. section substituted therefor, and the said section shall be read as if the said substituted sub-section had been inserted in the said Act originally.

(2.) If the treasurer fails at such sale to sell any land for the full amount of arrears of taxes due, he shall at such sale adjourn the same until a day then to be publicly named by him not earlier than one week, nor later than three months thereafter, of which adjourned sale he shall give notice by public advertisement in the local newspaper, or in one of the local papers in which the original sale was advertised, and on such day he shall sell such lands unless otherwise directed by the local municipality in which they are situate, for any sum he can realize, and shall accept such sum as full payment of such arrears of taxes; but the owner of any land so sold shall not be at liberty to redeem the same, except upon payment to the county treasurer of the full amount of taxes due, together with the expenses of sale; and the treasurer shall account to the local municipality for the full amount of taxes that shall be paid.

9. That section one hundred and eleven of the said Act be S. 111 amend- amended ed.

amended by erasing the word "and" in the eleventh line, and inserting in lieu thereof, the word "whether," and by inserting after the word "municipality" in the same line the words "or not."

S. 156 amended. **10.** That section one hundred and fifty-six of the said Act be amended by adding thereto the following words, "provided, that in the absence of any such by-law the County Treasurer shall pay over to the local Treasurer all such monies when so collected."

S. 132 amended. **11.** Section one hundred and thirty-two of the said Act is hereby amended by striking out the words "twenty-nine" between the words "and" and "if" in the second and third lines thereof, and inserting instead thereof the words "twenty-eight."

S. 71, sub.s. 2 amended. **12.** That sub-section two of section seventy-one of the said Act be amended by inserting the following words after the word "shall," in the second line: "after having so increased or decreased as aforesaid."

CAP. XXVIII.

An Act to amend the Act intituled "An Act respecting Tavern and Shop Licenses."

[Assented to 24th December, 1869.]

Preamble.

WHEREAS it is expedient to amend the Act passed in the Session held in the thirty-second year of the reign of Her Majesty, and chaptered thirty-two; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

32 Vic., ch.
32, s. 1
amended.

1. The first section of the said Act is hereby repealed, and the following shall stand in lieu of and form the said first section, and be read instead thereof:—

"1. No person shall sell by wholesale or retail any spirituous "fermented or other manufactured liquors within the Province "of Ontario, without having first obtained a license, authorizing "him so to do as hereinafter provided; Provided always, that "nothing in this Act contained shall prevent brewers and dis- "tillers, duly licensed by the Government of Canada, from "selling by wholesale only, spirituous, fermented or manufac- "tured liquors in casks or vessels, containing not less than five "gallons each."

2. Sub-section one of section six of the said Act is hereby amended by striking out the word "retail" in the fifth line thereof, and substituting the word "sale" in lieu thereof. S. 6 sub.-s. 1 amended.

3. The seventh section of the said Act is hereby repealed, and the following shall stand in lieu of and form the said section, and be read instead thereof:— S. 7 amended.

"7. Every tavern and inn authorised to be kept under the provisions of this Act shall contain, and during the continuance of the license shall continue to contain, in addition to what may be needed for the use of the family of the tavern or inn-keeper, not less than four bed-rooms, with a suitable complement of bedding and furniture, and (except in cities and incorporated towns), there shall also be attached to the said tavern or inn, proper stabling for at least six horses."

4. The twelfth section of the said Act is hereby repealed, and the following shall stand in lieu of and form the said twelfth section, and be read instead thereof:— S. 12 amended.

"12. No certificate for a license to sell spirituous, fermented or other manufactured liquors by wholesale or retail in any tavern, ale house, beer house, place of public entertainment or shop, shall be granted to any applicant, except upon petition by the applicant to the council of the township, town or incorporated village, and to the commissioners of police in cities, as the case may be, in which the license is to have effect, praying for the same; nor until the inspector, to be appointed as aforesaid, shall have reported that the applicant is a fit and proper person to have a license, and has all the accommodation required by law; Provided always, that it shall not be lawful for the council of any township, town, incorporated village, or the commissioners of police in any city, to grant any certificate for a license, or any certificate whatsoever, whereby any person can obtain or procure any license for the sale of spirituous, fermented, or intoxicating liquors, on the days of the exhibition of the Agricultural Association of Ontario, or of any county, electoral division, or township Agricultural Society exhibition, either on the grounds of such society, or within the distance of three hundred yards from such grounds."

5. The fourteenth section is hereby amended in the fourth line thereof by inserting the words "or the transfer thereof," between the word "license" and the word "if." S. 14 amended.

6. The eighteenth section of the said Act is hereby amended in the sixteenth line thereof, by striking out the words "the certificate," and substituting in lieu thereof the words, "a certificate similar to that." S. 18 amended.

7. The twenty-first section of the said Act is hereby amended S. 21 amended in ed.

in the second line thereof, by inserting the words, "or in his possession for sale," between the word "him" and the word "and."

S. 29 amended.

8. The twenty-ninth section of the said Act is hereby repealed, and the following shall stand in lieu thereof, and form the said twenty-ninth section, and be read instead thereof:—

"29. Any police officer, constable, or inspector of licenses may, at any time, enter into any tavern, inn, ale house, beer house, or other house or place of public entertainment, or into any shop or other place wherein refreshments, or liquors are sold, or reputed to be sold, whether legally or illegally; and any person being therein, or having charge thereof, who refuses, or after due summons fails, to admit such police officer or constable into the same, or offers any obstruction to his admission thereto, shall be liable to a penalty of not less than ten dollars, nor more than fifty dollars, for every such offence."

CAP. XXIX.

An Act further to extend the time for the registration of Conveyances to Religious Institutions in Ontario.

[Assented to 24th December, 1869.]

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Time for registry under Con. Stat., c. 69, extended to 12 months after this Act.

1. All deeds of conveyance of any real estate in Ontario, executed before the passing of this Act, for any of the uses, interests or purposes enumerated in the first section of the sixty-ninth chapter of the Consolidated Statutes for Upper Canada, shall be as valid and effectual if the same shall have been registered before the expiration of twelve months after the passing of this Act, as if registered within twelve months after the execution thereof respectively, except in so far as the same may be affected by the prior registration of other deeds or instruments relating to the same lands respectively; Provided always, that in all cases where any such religious bodies have not erected any buildings or made improvements, and any person claiming to hold or to be entitled to any real estate or property included in any such deed, on account of the omission to register the same, shall, in virtue of such claim, have taken possession of such real estate before the passing of this Act, and also in all cases where the persons claiming to hold or to be entitled to such real property, on account of such omission

Proviso in favour in certain cases of persons entitled to avoid unregistered deeds.

omission as aforesaid, shall have actually sold or departed with, or shall have actually contracted to sell or depart with, such real estate before the passing of this Act, the provisions of this Act shall not extend to render invalid any right or title to such estate, but such right or title shall be taken and adjudged to be as if this Act had not been passed.

CAP. XXX.

An Act to Incorporate the Toronto, Simcoe and Muskoka Junction Railway Company.

[Assented to 24th December, 1869.]

WHEREAS A. J. Alport, W. D. Ardagh, Noah Barnhart, G. L. Beardmore, A. H. Browning, Hugh M. Clarke, Henry Creswick, A. P. Cockburn, Dalrymple Crawford, Fred. Cumberland, M. Davis, Wm. G. Deacon, N. Dickey, A. P. Dodge, Wm. Elliot, R. J. Griffith, Wm. Hamilton, Robert Hay, C. Harvie, Alex. Henderson, W. H. Howland, Robert Leadlay, Wm. Lount, David Morrow, Thos. McConkey, J. D. Merrick, A. R. McMaster, Donald McKay, Hon. J. McMurrich, Angus Morrison, F. H. Medcalf, G. Perceval Ridout, R. J. Reekie, D. L. Sanson, Robert Simpson, Jno. Steele, Frank Smith, Thos. Smith, Robert Spratt, S. B. Harman, J. Teviotdale, D. Thurston, Jno. Turner, John Wallis, Robert Walker, Robert Wilkes, and Jno. World, have petitioned the Legislature for an Act of Incorporation to construct a railway from some point on the Northern Railway of Canada, within the County of Simcoe, to unite the waters of Lake Simcoe with those of Lakes Muskoka and Rousseau, through and within the Counties of Simcoe, Ontario, and Victoria, with branches and extensions to the Georgian Bay, and it is expedient to grant the prayer of the said petition; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said A. J. Alport, W. D. Ardagh, Noah Barnhart, G. L. Beardmore, A. H. Browning, Hugh Clarke, Henry Creswick, A. P. Cockburn, Dalrymple Crawford, Fred. Cumberland, M. Davis, Wm. G. Deacon, N. Dickey, A. P. Dodge, Wm. Elliot, R. J. Griffith, Wm. Hamilton, Robert Hay, C. Harvie, Alex. Henderson, W. H. Howland, Robert Leadlay, Wm. Lount, David Morrow, Thos. McConkey, J. D. Merrick, A. R. McMaster, Donald McKay, Hon. J. McMurrich, Angus Morrison, F. H. Medcalf, G. Perceval Ridout, R. J. Reekie, D. L. Sanson, Robert Simpson, Jno. Steele, Frank Smith, Thos. Smith, Robert Spratt, S. B. Harman, J. Teviotdale, D. Thurston, Jno. Turner, John Wallis, Robert Walker, Robert Wilkes, and John World,

Corporate
name of Com-
pany.

World, together with such other persons and Corporations as shall become shareholders of the Company hereby incorporated, shall be and are hereby ordained constituted and declared to be a body corporate and politic, by and under the name and style of "The Toronto, Simcoe and Muskoka Junction Railway Company."

Certain
clauses of Cons.
Railway Act
to apply.

2. The several clauses of the Railway Act of the Consolidated Statutes of Canada, and amendments with respect to the first, second, third, fourth, fifth and sixth clauses thereof, and also the several clauses thereof with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors, their election and duties," "calls," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity and fines, and penalties, and their prosecution," "by-laws, notices, &c.," "working of the railway," and "general provisions," shall be incorporated with, and be deemed to be a part of this Act, and shall apply to the said Company, and to the Railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act so incorporated with this Act.

Construction
of Railway.

3. The said Company shall have full power and authority to lay out construct and complete a double or single iron railway from some point on the Northern Railway of Canada, within the County of Simcoe, connecting the waters of Lake Simcoe with those of Lakes Muskoka and Rousseau, through and within the Counties of Simcoe, Ontario and Victoria, or any of them, with branches and extensions to the Georgian Bay, and with full authority to pass over any of the country between the points aforesaid, and to carry the said Railway through the Crown lands lying between the points aforesaid.

Provisional
directors,

4. The said A. J. Alport, W. D. Ardagh, Noah Barnhart, G. L. Beardmore, A. H. Browning, Hugh M. Clarke, Henry Creswick, A. P. Cockburn, Dalrymple Crawford, Fred. Cumberland M. Davis, Wm. G. Deacon, N. Dickey, A. P. Dodge, Wm. Elliot, R. J. Griffith, Wm. Hamilton, Robert Hay, C. Harvie, Alex. Henderson, W. H. Howland, Robert Leadlay, Wm. Lount, David Morrow, Thos. McConkey, J. D. Merrick, A. R. McMaster, Donald McKay, Hon. J. McMurich, Angus Morrison, F. H. Medcalf, G. Perceval Ridout, R. J. Reekie, D. L. Sanson, Robert Simpson, Jno. Steele, Frank Smith, Thos. Smith, Robert Spratt, S. B. Harman, J. Teviotdale, D. Thurston, Jno. Turner, John Wallis, Robert Walker, Robert Wilkes, and John World, with power to add to their number, shall be and are hereby constituted Provisional Directors of the said Company, and shall hold office as such until other directors shall be elected under the provisions of this Act by the shareholders; and shall have
power

power and authority, immediately after the passing of this Act, to open stock-books and procure subscriptions for the undertaking, to make calls upon the subscribers, to cause surveys and plans to be made and executed, and as hereinafter provided, to call a general meeting of the shareholders for the election of directors, and with all such other powers as under the Railway Act are vested in ordinary Directors. their powers.

5. The Capital Stock of the Company hereby incorporated shall be two hundred and fifty thousand dollars (with power to increase the same in the manner provided by the Railway Act), to be divided into shares of one hundred dollars each, which amount shall be raised by the persons and corporations who may become Shareholders in such Company, and the money so raised shall be applied, in the first place, to the payment and discharge of all fees expenses and disbursements for procuring the passage of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and all the remainder of such money shall be applied to the making equipment and completion of the said Railway, and the other purposes of this Act, and to no other purpose whatever. Capital stock of the Company.
Application of the money raised on the stock.

6. And it shall further be lawful for any municipality or municipalities, through any part of which, or near which the Railway or works of said Company shall pass or be situated, to aid or assist the said Company, by loaning or guaranteeing or giving money by way of bonus or other means to the Company, or issuing Municipal bonds to or in aid of the Company, and otherwise in such manner and to such extent as such municipalities, or any of them, shall think expedient: Provided always that such aid, loan, bonus or guarantee, shall be given under a by-law for the purpose, to be passed in conformity with the provisions of the Act respecting Municipal Institutions for the creation of debts; and all such by-laws so passed shall be valid, notwithstanding that such rate may exceed the aggregate rate of two cents in the dollar on the actual value of such ratable property, Provided that the annual rate of assessment shall not in any case exceed for all purposes three cents in the dollar on the actual value of the whole ratable property within the municipality, or portion of a municipality, creating such debt. Municipalities may aid by granting bonuses, etc.
such aid to be granted by By-Law.

7. In case a majority of the persons rated on the last assessment roll as freeholders in any portion of a Municipality do petition the Council of such municipality, defining the metes and bounds of the section of the Municipality within which the property of the petitioners is situated, and expressing the desire of the said petitioners to aid in the construction of the said Railway by granting a bonus or donation to the said Company for this purpose, and stating the amount which they so desire to give and grant and to be assessed therefor, the Council of such Municipality shall pass a By-Law:— If a portion of the municipality desire to aid, Council to pass a By-Law,

for issuing debentures,

(1.) For raising the amount so petitioned for by the free-holders in such portion of the municipality, by the issue of debentures of the municipality, payable within twenty years or earlier, and for the payment to the said Company of the amount of the said bonus or donation at the time and on the terms specified in the said petition;

for assessing and levying rate,

(2.) For assessing and levying upon all the ratable property lying within the section defined by the said petition, an annual special rate sufficient to include a sinking fund for the repayment of debentures, with the interest thereon; which Municipal Councils are hereby authorized to execute and issue in such cases respectively;

By-Law to be approved by electors.

Provided the said By-Law shall be approved of as in sections two hundred and twenty-six, two hundred and twenty-seven, and two hundred and twenty-eight of the Municipal Act of one thousand eight hundred and sixty-six, chapter fifty-one, by the majority of qualified electors in the portion of a Municipality petitioning as aforesaid.

When a bonus is granted, the Company may enter into an agreement to expend such bonus within the municipality.

8. Whenever any municipality, or portion of a municipality, shall grant a bonus to aid the making equipment and completion of said Railway, it shall be lawful for said Company to enter into a valid agreement with such municipality, binding the said Company to expend the whole or part of such bonus upon works of construction within the limits of the Municipality granting the same.

Debentures to be held by trustees.

9. Whenever any municipality, or portion of a municipality, shall grant a bonus to aid the said Company in the making, equipping and completion of the said Railway, the debentures therefor may, at the option of the said Municipality, within six weeks after the passing of the By-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said Company, and one by the Wardens of the Counties of Simcoe, Ontario, and Victoria, all the Trustees to be residents of the Province of Ontario: Provided that if the Lieutenant-Governor in Council shall refuse or neglect to name such trustee within one month after the notice in writing to him of the appointment of the two other trustees, the Company shall be at liberty to name one in the place of the one to have been named by the said Lieutenant-Governor in Council: Provided also, that the said Wardens shall appoint the said trustees to be named by them by vote of a majority of them who shall attend a meeting for that purpose, to be held at such time and place as the said Company may appoint for that purpose, notice of which shall be sent to each Warden by mail at least fourteen days before the day appointed; and if the said Wardens then fail or neglect to name such Trustee, the said Company shall be at liberty to name one in the place of the Trustee to have been named by the said Wardens.

How the trustees are to be appointed.

10. Any trustee appointed may be removed, and in such case, or, in case of death or resignation, a new Trustee may be appointed in his place at any time by the consent respectively of the Lieutenant-Governor in Council, a majority of the said wardens, and the said Company.

Appointment
of new
Trustees.

11. The said trustees shall receive the said debentures in trust; Firstly, to convert the same into money; Secondly, to deposit the amount realized from the sale of such debentures in some of the chartered Banks having an office in the city of Toronto, in the name of the "Toronto, Simcoe, and Muskoka Junction Railway Municipal Trust Account," and to pay the same out to the said Company from time to time on the certificate of the Chief Engineer of the said Railway in the form set out in Schedule "A" hereto, or to the like effect, setting out the portion of the Railway to which the money to be paid out is applied, and the total amount expended on such portion to the date of the certificate, and that the sum so certified does not exceed the *pro rata* amount per mile for the length of the road, to be applied on the work so done, and such certificate to be attached to the cheques to be drawn by the said Trustees.

Trusts on
which the
debentures are
to be held.

12. The act of any two of such Trustees to be as valid and binding as if the three had agreed.

Act of two
Trustees to be
binding.

13. So soon as one-fifth part of the said capital stock shall have been subscribed as aforesaid, and twenty per centum paid thereon and deposited in one of the chartered Banks of this Province for the purposes of the said Company, the directors shall call a general meeting of the subscribers to the said capital stock who shall have so paid up twenty per centum thereof, for the purpose of electing Directors of said Company.

General meet-
ing for elec-
tion of direc-
tors, when to
be called.

14. In case the Provisional Directors neglect to call such meeting for the space of three months after such amount of the capital stock shall have been subscribed, and twenty per centum thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up twenty per centum, and who are subscribers among them for not less than one thousand dollars of the said capital stock, and who have paid up all calls thereon.

How the meet-
ing may be
called, if the
provisional
directors ne-
glect to call
the same.

15. In either case, notice of the time and place of holding such general meeting shall be given by publication in the *Ontario Gazette*, and in one newspaper in the city of Toronto, and in one newspaper published in each of the counties through which the said railway is intended to pass, once in each week, for the space of at least one month, and such meeting shall be held in the city of Toronto, at such place therein and on such day as may be named by such notice.

Notice of the
general meet-
ing.

16. At such general meeting the subscribers for the capital stock

Election of
directors.

stock assembled, who shall have so paid up twenty per centum thereof, with such proxies as may be present, shall choose nine persons to be the Directors of the said Company, and may also make or pass such rules and regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

Qualification
of directors.

17. No person shall be qualified to be elected as such Director by the Shareholders unless he be a Shareholder holding at least ten shares of stock in the Company and unless he has paid up all calls thereon.

Annual meet-
ings, when and
where to be
held,

18. Thereafter the general annual meeting of the Shareholders of the said Company shall be held in such place in the city of Toronto, and on such days and at such hours as may be directed by the By-laws of the said Company, and public notice thereof shall be given at least fourteen days previously in the *Ontario Gazette*, and in one or more newspapers published in the Counties through which the Railway runs.

notice
thereof.

Special gen-
eral meetings,
when and
where to be
held.

19. Special general meetings of the Shareholders of the said Company may be held at such places in the city of Toronto, and at such times and in such manner and for such purposes as may be provided by the by-laws of the said Company.

Issue of bonds
by the Com-
pany to raise
money.

20. The Directors of the said Company, after the sanction of the Shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, but limited to the terms of this Act, shall have power to issue bonds made and signed by the president or vice-president of the said Company, and countersigned by the secretary and treasurer, and under the seal of the said Company, for the purpose of raising money for prosecuting the said undertaking, and such bonds shall, without registration or formal conveyance, be taken, and considered to be the first and preferential claims and charges upon the undertaking and the property of the Company, real and personal, and then existing, and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking and the property of the Company as aforesaid; Provided, however, the aggregate amount of such bonds shall at no time exceed the amount of the paid up instalments on its share capital, together with the amount of paid up Municipal and other bonuses, and which have been actually expended in surveys and in works of construction upon the line; and provided also, further, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said Company, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors and for voting as are attached to shareholders; Provided that the bonds and any transfers thereof shall have been first registered

How the bonds
are to be
issued.

Rights of hol-
ders of the
bonds at an-
nual meeting,
when interest
thereon is un-
paid,
provided the
bonds and

tered in the same manner as is provided for the registration of transfers are shares. registered.

21. All such bonds, debentures, mortgages, and other securities, and coupons, and interest warrants thereon respectively, Securities may be payable to bearer. may be made payable to bearer, and transferable by delivery, and any holder of any such so made payable to bearer, may sue at law thereon in his own name.

22. The said Company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note made or endorsed by the president or vice-president of the Company, and countersigned by the secretary and treasurer of the said Company, and under the authority of a quorum of the directors, shall be binding on the said Company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn; and in no case shall it be necessary to have the seal of the said Company affixed to such promissory note or bill of exchange; nor shall the president or vice-president or the secretary and treasurer be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the Board of directors, as herein provided and enacted; Company may make promissory notes, etc., Provided, however, if not intended to be circulated as money, that nothing in this section shall be construed to authorize the said Company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

23. Every shareholder of one or more shares of the said capital stock shall, at any general meeting of the shareholders, be entitled to one vote for every share held by him. Scale of votes.

24. At all meetings of the Company the stock held by municipal and other corporations may be represented by such person as they shall respectively have appointed in that behalf by by-law; and such persons shall at such meetings be entitled equally with other shareholders to vote by proxy; and no shareholder shall be entitled to vote on any matter whatever unless all calls due on the stock held by such shareholder shall have been paid up at least one week before the day appointed for such meeting. How stock held by Corporations to be represented. Only shareholders who have paid up to vote.

25. Any meeting of the directors of the said Company regularly summoned, at which not less than five directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said Directors. Quorum of Directors.

26. The directors may at any time call upon the shareholders for such instalments upon each share which they or any of them may hold in the capital stock of the said company, and in Calls upon shares.

in such proportion as they may see fit, except that no such instalment shall exceed ten per centum on the subscribed capital, and that thirty days notice of each call shall be given in such manner as the Directors shall think fit.

Form of conveyances to Company,

how to be registered.

Registrar's fees.

27. Conveyances of lands to the said Company for the purposes of this Act may be made in the form set out in the Schedule (Schedule B) hereunder written, or to the like effect: and such conveyances shall be registered by duplicates thereof in such manner and upon such proof of execution as is required under the Registry Laws of Ontario: and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificate endorsed on the duplicate thereof.

Gauge of Railway.

28. The gauge of the said Railway shall be five feet six inches.

The Company may enter into certain agreements with the Northern Railway Company.

29. It shall be lawful for the said Company to enter into any agreement with the Northern Railway of Canada for leasing the said Toronto, Simcoe and Muskoka Junction Railway, or any part thereof, or the use thereof at any time or times for any period not exceeding twenty-one years to such other company, or for leasing or hiring from such other Company any railway or part thereof or the use thereof, or for the leasing or hiring any locomotives, tenders, or moveable property, and generally to make any agreement or agreements with such other Company touching the use by one or the other or by both Companies of the railway or moveable property of either or of both or any part thereof, or touching any service to be rendered by the one Company to the other, and the compensation therefor, and every such agreement shall be valid and binding, and shall be enforced by courts of law according to the terms and tenor thereof; and any company or individual accepting and executing such lease shall be and hereby is empowered to exercise all the rights and privileges in this charter conferred.

Rights of alien or non-resident shareholders.

30. Any shareholder in the said Company, whether a British subject or alien, or a resident in Canada or elsewhere, shall have equal rights to hold stock in the said Company and to vote on the same and to be eligible to office in the said Company.

Company may use land for gravel pits,

31. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations, or gravel pits, or for constructing, maintaining, and using the said Railway, the Company may purchase, hold, use or enjoy such lands, and also the right of way thereto, if the same be separated from their Railway, and to sell and convey the same or parts thereof from time to time as they may deem expedient, and may also make use of, for the purpose of the said Railway, the water of any stream or watercourse over or near which the said Railway passes,

and waters of streams.

passes, doing however no unnecessary damage thereto, and not impairing the usefulness of such stream or watercourse.

32. The said Railway shall be commenced within one year, and completed from the point of junction with the Northern Railway of Canada to or near the village of Orillia within two years after the passing of this Act, or else all rights and privileges conferred upon the said Company by this Act shall be forfeited, and the said Railway shall be completed within six years.

Railway,
when to be
commenced
and complet-
ed.

33. The Interpretation Act shall apply to this Act.

Interpretation
Act to apply.

SCHEDULE A.

CHIEF ENGINEER'S CERTIFICATE.

THE TORONTO, SIMCOE, AND MUSKOKA JUNCTION RAILWAY
COMPANY'S OFFICE,

ENGINEER'S DEPARTMENT, A.D., 18 .

No.

Certificate to be attached to cheques drawn on the Toronto, Simcoe, and Muskoka Junction Railway Municipal Trust Account, and given under section of cap. 33 Vic.

I, Chief Engineer for the Toronto, Simcoe, and Muskoka Junction Railway, do hereby certify, that there has been expended in the construction of mile No. , (the said mileage being numbered consecutively from ,) the sum of dollars to date, and that the total *pro rata* amount due for the same, from the said Municipal Trust Account, amounts to the sum of dollars, which said sum of dollars is now due and payable as provided under said Act.

SCHEDULE B.

Know all men by these presents, that I (or we) (*insert also the name of wife or any other person who may be a party.*) in consideration of dollars paid to me (*or as the case may be*) by the Toronto, Simcoe, and Muskoka Junction Railway Company, the receipt whereof is hereby acknowledged, do grant and convey (and I, the said do grant and release, *or do bar my dower in (as the case may be)* all that certain parcel (*or*) those certain parcels (*as the case may be*), of land situate (*describe the land*) the same having been selected and laid out by the said Company for the purposes

poses of their Railway, to hold with the appurtenances unto the said the Toronto, Simcoe, and Muskoka Railway Company, their successors and assigns.

As witness my (or our) hand and seal, (or hands and seals),
this day of one thousand eight hundred
and

Signed, sealed and delivered, in the }
presence of }

[L.S.]

CAP. XXXI.

An Act to authorize the Port Hope, Lindsay and Beaverton Railway Company to change the name of their company, and to extend their line of railway, and for other purposes.

[Assented to 24th December, 1869.]

Preamble.

WHEREAS the Port Hope Lindsay and Beaverton Railway Company have petitioned the Legislature for an Act authorising them to construct an extension of their line of railway to Georgian Bay, through and within the counties of Ontario, Simcoe, and Victoria, with a branch to the River Severn and for other purposes, and it is expedient to grant the prayer of the said petition; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Name of Company.

1. The name of the said company shall be changed to "The Midland Railway of Canada," and all suits or other proceedings now pending in any Court of this Province, shall, after the passing of this Act, be continued and carried on by and under the name of the Midland Railway of Canada.

Power to extend the railway.

2. The said company shall have power, and are hereby authorised, to extend their line of railway from Beaverton to such points and harbours on the Georgian Bay, as may be found available and most essential for the business of the company, and for extending railway facilities for that section of country, and a branch line from some convenient point in the township of Mara, through Rama to the Severn River; and for that purpose shall have and exercise all the powers conferred by their own charter and by the Railway clauses Consolidation Act, and by the Municipal Institutions Act of Upper Canada. Provided always, that the powers and privileges hereby granted shall not be exercised, so far as the extension of the said railway

Proviso.

way is concerned, unless the line of the said railway company shall be first completed for traffic, and in running order to Beaverton, in the township of Thorah, on or before the first day of July next, or within such further time, not exceeding one year from the passing of this Act, as may be previously fixed and determined by a by-law of the council of the corporation of the said township of Thorah; And provided further, that the said company shall complete the said extension within three years from the passing of this Act, otherwise the powers of extension conferred by this Act shall cease.

3. And it shall further be lawful for any municipality or municipalities, through part of which or near which the extension works of the said company shall pass or be situated, or who may be interested in anywise in the construction of said Railway, to aid or assist the said company, by loaning or guaranteeing or giving money by way of bonus, or other means to the said company, or issuing municipal bonds to or in aid of the company, and otherwise in such manner and to such extent as such municipalities or any of them shall think expedient; Provided always that all such aid, loan, bonus or guarantee, shall be given under a by-law for the purpose, to be passed in conformity with the provisions of the Act respecting municipal institutions for the creation of debts; and all such by-laws shall be valid, notwithstanding that such rate may exceed the aggregate rate of two cents in the dollar on the actual value of such ratable property, provided that the annual rate of assessment shall not in any case exceed for all purposes three cents in the dollar on the actual value of the whole ratable property within the municipality, or portion of municipality creating such debt.

Power of Municipalities to aid.

Proviso.

4. In case a majority of the persons rated on the last assessment roll as freeholders in any portion of a municipality, do petition the council of such municipality, defining the metes and bounds of the section of the municipality within which the property of the petitioners is situated, and expressing the desire of the said petitioners to aid in the construction of the extensions of the said railway, by granting a bonus or donation to the said company for this purpose, and stating the amount which they so desire to give and grant and to be assessed therefor, the council of such municipality shall pass a by-law;

By-laws to aid.

(1.) For raising the amount so petitioned for by the freeholders in such portion of the municipality by the issue of debentures of the municipality payable within twenty years or earlier, and for the payment to the said company of the amount of the said bonus or donation at the time and on the terms specified in the said petition;

(2.) For assessing and levying upon all the ratable property lying within the section defined by the said petition, an annual special rate sufficient to include a sinking fund for re-payment

of debentures with interest thereon, which municipal councils are hereby authorised to execute and issue in such cases respectively; Provided the said by-law shall be approved of as in sections two hundred and twenty-six, two hundred and twenty-seven and two hundred and twenty-eight of the Municipal Act of eighteen hundred and sixty-six, chapter fifty-one, by the majority of qualified electors in the portion of a municipality petitioning as aforesaid.

Power to issue further bonds.

5. The said company shall have power to issue further bonds of the said company, provided the consent of two-thirds of the shareholders be first obtained at a meeting specially called for the purpose, of an amount not exceeding in the whole the additional sum of one hundred thousand pounds sterling, payable in London, England, or elsewhere as the company may deem expedient, and bearing interest at a rate not exceeding six per cent. per annum, payable half-yearly; and such bonds shall without registration or formal conveyance be taken and considered to be, and to rank upon the extension of said road authorized by this Act; and that the amount of bonds to be issued shall not at any time be in excess of the amount of capital stock paid up, and bonuses granted by municipalities, and actually laid out in surveys and construction of said extension; Provided, however, that the amount of such bonds issued at any one time shall not be in excess of the amount actually expended in surveys and works of construction upon the line of the said Railway extending from Lindsay westward.

Who may hold stock, and vote and hold office.

6. Any shareholder in the said company whether a British subject or alien, or a resident in Canada or elsewhere, shall have equal rights to hold stock in the said company, and to vote on the same and to be eligible to office in the said company.

Municipality of Thorah to have a lien.

7. The municipality of the township of Thorah shall have a first lien and security upon the entire railway and works, next after the existing securities and liens authorised and created by chapter ninety-nine of the Statutes of Canada, twenty-ninth and thirtieth Victoria, or any other Statute of Canada, and a first lien or charge upon that part of the said railway and works now constructed or which may hereafter be constructed between the town of Lindsay and the village of Beaverton, for the sum of fifteen hundred dollars per annum, being interest at the rate of three per cent. per annum, in perpetuity, upon the sum of fifty thousand dollars loaned by the township of Thorah to the said company, such interest to be payable on the fifteenth day of June in each and every year; Provided that if at any time after the completion of the said extension to Beaverton, the said company and the said municipality, shall agree to capitalise the said annual payment of interest either by payment of money, or other securities satisfactory to the municipality, such agreement shall be valid and binding in lieu of the annual payment of interest as aforesaid, which interest thereafter shall cease.

CAP.

CAP. XXXII.

An Act to amend the Act incorporating the Erie and Niagara Extension Railway Company, and to change the name to the Canada Southern Railway Company.

[Assented to 24th December, 1869.]

WHEREAS the Erie and Niagara Extension Railway Company, incorporated under "The Erie and Niagara Extension Railway Act of 1868," have petitioned for power to extend their line of Railway from a point at or near the town of St. Thomas, in the County of Elgin, to some point on the St. Clair river, in the township of Moore, in the county of Lambton, and for certain amendments to their Act of Incorporation; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. The corporate name of the said Company shall be changed to that of "The Canada Southern Railway Company." Corporate name changed

2. That the first section of "The Erie and Niagara Extension Railway Act of 1868," shall be and is hereby amended by striking out of the said section the names Colin Munro and Thomas M. Nairn, and inserting in the said section, immediately after the name John Wright therein, the names James Frazer, John Cunningham, Robert Blackwood, John Talbot Mann, George Southwick, Berkley Powell, Gilbert Hatheway, Cheney Ames, Andrew Elliot, Wesley Truesdail, John E. Kitton, John McRae, and Nicol Kingsmill, and the said section as thus amended shall henceforth be read as the first section of the said Act.

3. The capital stock of the said company may be increased according to the provisions of the Railway Act, and the said company, under the provisions of the Railway Act, may also issue bonds. Power to increase capital of the company and issue bonds.

4. The said company shall have power to construct a branch of their said Railway from a point at the town of St. Thomas, in the county of Elgin, to a point on the St. Clair river, in the townships of Moore, or Sombra, in the county of Lambton, and the several clauses of the Act chaptered sixty-six, of the Consolidated Statutes of the former Province of Canada, intituled, "An Act respecting Railways," which, by the second section of the "Erie and Niagara Extension Railway Act of 1868," are incorporated with that Act, shall be taken, held and construed to apply to the branch line hereby authorized to be constructed, as fully and effectually as if the said branch line had Branch line of railway authorized.

Certain claims of Railway Act mentioned in original Act to apply to branch line.

had been originally authorized in and by the said last mentioned Act.

Municipalities
may aid by
bonus, etc.

5. And in addition to the powers conferred by the clause respecting "Municipalities" in the Railway Act, it shall be lawful for the corporation of any municipality or municipalities through any part of which, or near which, the railway or works of the said company shall pass, or be situated, or which may be benefited thereby, to aid and assist the said company by loaning, or guaranteeing, or giving money by way of bonus, or other means, to the company, and by purchasing and granting to the said company the land for the right of way, station grounds, gravel pits and work-shops, and otherwise, in such manner and to such extent as such municipal corporation or corporations, or any of them, may think expedient, and to issue its municipal bonds to or in aid of the said Company, or for all or any of the hereinbefore mentioned purposes; Provided always, that no such loan, bonus, aid or guarantee be given except after the passing of by-laws for the purpose, and the adoption of such by-laws as provided in the Railway Act; Provided always that any such by-law, to be valid, shall be made in conformity with the laws of this Province respecting municipal institutions.

Proviso.

Proviso.

Trustees.

6. Whenever bonds, debentures, or other securities, are issued by any Municipal Corporation, in aid of the said Company, by way of bonus or gift, such bonds, debentures, or securities shall, within six weeks after the passing of the by-law authorizing the same, be delivered to the Trustees to be named, one by the Lieutenant-Governor in Council, one by the said Company, and one by the Wardens of the Counties of Welland, Haldimand, Norfolk, Oxford, Middlesex, Elgin, Kent, Essex and Lambton; Provided that if the Lieutenant-Governor in Council shall refuse, or neglect to name such Trustee within six weeks after he shall have been duly notified of the appointment of the other two Trustees, the said Company shall be at liberty to name one in the place of the one to have been named by the Lieutenant-Governor in Council: Provided also, that the said Wardens shall appoint the said Trustee to be appointed by them, by the vote of a majority of them who shall attend the meeting for that purpose, to be held at such time and place as the said Company may appoint for that purpose, notice of which shall be sent to each of them, by mail, at least fourteen days before the day appointed; and if they fail or neglect to name such Trustee, the said company shall be at liberty to name one in the place of the Trustee to have been named by them; and any Trustee appointed may be removed, and a new Trustee appointed in his place, at any time, by the consent of the Lieutenant-Governor in Council.

Proviso.

Proviso.

Terms of the
Trust.

7. The said Trustees shall receive the said bonds, debentures, or other securities, and any coupons or interest warrants attached

attached thereto in trust, and shall place the same in the custody of one of the chartered banks of Canada, to be designated by them, and shall not withdraw, cancel, control, or in anywise dispose of the said bonds, debentures, securities, coupons or interest warrants, or any of them respectively, unless, and except upon and under the circumstances and conditions following, that is to say :—

Firstly. When and as any of the moneys payable under the said bonds, debentures, securities, coupons, or interest warrants respectively, become due, it shall be lawful for the said Trustees, from time to time, to withdraw from the custody of the said bank such of the said debentures, coupons, or interest warrants respectively, as according to the tenor and effect thereof may be requisite for duly presenting and obtaining payment thereof, and shall forthwith, after such presentation, and in so far as the said bonds, debentures, securities, coupons, or interest warrants may not have been paid, return the same into the custody of the bank aforesaid, and shall, from time to time, and as and when any such moneys are received, deposit the same in the bank aforesaid, to the credit of a special account, to be termed “The Canada Southern Railway Municipal Account,” which account shall further clearly state and show the particular bonds, debentures, or securities, in respect of which the said moneys have been received, and in such account the moneys received in respect of the bonds, debentures, or securities from each Municipal Corporation, shall be kept separate and distinct from those received from any other of the said Municipal Corporations.

Secondly, it shall be lawful for each of the Municipal Corporations who may pass by-laws to aid the said Railway Company to require from the provisional or other directors on behalf of the said Railway Company, and before the bonds, debentures, or other securities for such aid are delivered to the said Trustees, an agreement setting forth and specifying the stipulations and conditions under which the bonds, debentures, or other securities granted by such Municipal Corporation, and all moneys payable in respect thereof, or of the interest thereon, shall from time to time become applicable for the purposes of the said Railway; and when, and as the said bonds, debentures, or other securities, or any of them, or any moneys received on account thereof, or of the interest thereon, according to the terms of the said agreement, become deliverable or payable to the said Railway Company, the same shall from time to time be delivered or paid, as the case may be, by the said Trustees upon certificate of the Chief Engineer of the said Railway Company in form set out in Schedule B. to this Act, or to the like effect.

Thirdly, in the event of the said Railway Company not completing the said Railway to the extent mentioned, or by the time

time required under the terms of its agreement with any Municipal Corporation, it shall be the duty of the said Trustees to return to such Municipal Corporation the bonds, debentures, or securities received from it, and any moneys received in the meantime in respect thereof, or of the interest thereon, or such of the said bonds, debentures, securities or moneys as shall not have been delivered or paid to the said Railway Company under the terms of the said agreement; and any bonds, debentures, or securities so returned shall be forthwith cancelled; and it is further provided that the act of any two of the said Trustees shall be as valid and binding as if the three had agreed thereto.

Municipalities may exempt property of Company from taxation, or make compensation, etc.

8. It shall be further lawful for the corporation of any municipality through any part of which the railway of the said company passes or is situate, by by-law especially passed for that purpose, to exempt the said Company and its property within such Municipality, either in whole or in part from Municipal assessment or taxation, or to agree to a certain sum per annum or otherwise in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments, to be imposed by such Municipal Corporation, and for such term of years as such Municipal Corporation may deem expedient.

10 per cent subscription to be paid to credit of Company and Provincial Treasurer.

Notice.

9. That the money to be paid into one of the chartered banks of this Province, as required by sections six and fourteen, of the Act chapter fourteen, passed in the thirty-first year of Her Majesty's reign by the Parliament of Ontario, and intituled, "An Act for the incorporation of the Erie and Niagara Extension Railway Company," shall be paid in to the joint credit of the said company and the Treasurer of Ontario, and notice of such payment shall be published for at least one month in the Ontario Gazette, and a copy of the stock list of the said company duly verified shall at the said time be deposited in the office of the Provincial Secretary; and the said money so paid into the bank as aforesaid, shall remain therein to the joint credit of the said company, and the Treasurer of Ontario, until satisfactory evidence of the *bona fides* of all the subscriptions, and of the ability and intention of the said company to commence and carry on the said railway shall be furnished to the Lieutenant Governor in Council and an order shall have been issued declaring the same to be *bona fide*; and any municipality along the line of the proposed railway, or any railway company duly organized in Ontario, shall be at liberty to examine into and test the *bona fides* of the subscriptions before the Lieutenant Governor in Council within one month after the first publication of the said notice; and in the event of non-compliance with the above provisions within the times limited by the said hereinbefore recited Act, then the rights and privileges conferred by this Act or by the said recited Act shall cease and be void and of none effect.

10. The company shall have power to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such promissory note made or endorsed, and such bill of exchange drawn, accepted or endorsed by the President or Vice-President of the company, and countersigned by the Secretary and Treasurer, and under the authority of a majority of a quorum of the Directors, shall be binding on the company; and every such promissory note or bill of exchange made, drawn accepted or endorsed by the President or Vice-President of the said company, and countersigned by the Secretary and Treasurer as such shall be presumed to have been properly made, drawn, accepted or endorsed, as the case may be, for the company, until the contrary be shown; and in no case shall it be necessary to have the seal of the company affixed to any such bill of exchange or promissory note, nor shall the President, Vice-President, or Secretary and Treasurer of the company, so making, drawing, accepting or endorsing any such promissory note or bill of exchange, be thereby subjected individually to any liability whatever: *Provided* always that nothing in this section shall be construed to authorize the said company to issue any note payable to bearer, or any promissory note intended to be circulated as money, or as the notes of a Bank.

Company may become parties to notes and bills, etc.

11. The sixteenth section of the said Erie and Niagara Extension Railway Act is hereby repealed, and the gauge of the said railway may be such as the Directors, in their discretion, may determine upon, with power to lay down a third or more rails as they may think proper.

Sec. 16 of Erie & Niagara Extension Railway Act, 1868, repealed.

12. The respective times limited in and by the fourteenth and fifteenth sections of the Erie and Niagara Extension Railway Act of 1868, are hereby respectively extended each for the further period of eight calendar months.

Extension of times limited by original Act.

SCHEDULE B.

CANADA SOUTHERN RAILWAY CO.'S OFFICE,

Engineer's Department.

CHIEF ENGINEER'S CERTIFICATE.

No.

Certificate in the Canada Southern Railway Municipal Trust Account, given under section of Act 33 Victoria 18 Cap.

I, A. B., Chief Engineer for said Railway Company, do hereby certify that the said Company hath performed and fulfilled the

the following terms and conditions specified and set forth in the agreement, dated the day of , between the Corporation of and the said Company, that is to say:

(Here set out clearly the terms and conditions which have been fulfilled.)

And that under the said agreement and in accordance therewith the said railway company is now entitled to receive from the said trust the sum of \$ in the debentures of the said municipal corporation, together with their relative coupons and interest warrants, or any money heretofore received by the said trust in payment of the said coupons or interest warrants, or of the said debentures respectively.

CAP. XXXIII.

An Act to incorporate The Canada Air Line Railway Company.

[Assented to 24th December, 1869.]

Preamble.

WHEREAS it is highly desirable that a Railway should be made from some point on the line of the Great Western Railway at Glencoe, to or near Fort Erie, on the Niagara river, passing through or near the towns of St. Thomas and Simcoe, and the persons hereinafter mentioned having petitioned to be incorporated for that purpose, it is expedient to grant a charter for the construction of such railway: Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Incorporation.

1. The Honourable William McMaster, Senator; James F. Joy, of the City of Detroit, in the State of Michigan, Esquire; Henry P. Baldwin, of the same place, Esquire, and present Governor of the said State of Michigan; Christian H. Buhl, of the said City of Detroit, Esquire, President of the Second National Bank, City of Detroit; and Donald MacInnes of the City of Hamilton, in the Province of Ontario, Esquire, together with such persons and corporations as shall under the provisions of this Act become shareholders in the said company hereby incorporated, are hereby constituted and declared to be a body corporate and politic, by the name of The Canada Air Line Railway Company.

Name.

Line of railway authorized.

2. The said company hereby incorporated shall have full power under this Act to construct a railway from such point on the line of the Great Western Railway, as may be found most

most eligible, at Glencoe, passing on such route as may be selected, through the town of St. Thomas, and thence passing through or near Simcoe, then through Cayuga, connecting with the Buffalo and Lake Huron Railway near Canfield or Dunnville, and thence extending to some point on the Niagara river, near Fort Erie, and no part of the line east of St. Thomas shall be open for traffic until the line between Glencoe and St. Thomas shall be completely finished.

3. All the provisions of the Act of the Parliament of Upper Canada, passed in the fourth year of the reign of his late Majesty King William the Fourth, and intituled "An Act to incorporate the London and Gore Railroad Company," and the Acts of the Parliament of the former Province of Canada reviving, extending or amending the same, or relating to the company thereby incorporated and now called "The Great Western Railway Company," which shall be in force at the time of the passing of this Act, and shall not be inconsistent with this Act, or provide for matters not provided for by this Act, shall be and are hereby incorporated with this Act, and shall extend and apply to the company hereby constituted, and the railway which they are empowered to make, as fully and effectually as if the said provisions were herein repeated and re-enacted with respect to the said company and the said railway; and all the provisions of the said Acts, which are so incorporated with this Act shall be intended and included by the expression "this Act," whenever it is used herein, but in so far only as the provisions of said Acts, or any part thereof respectively may be construed to have reference to any act, deed, matter or thing to be done, executed, fulfilled or performed within the limits of the Province of Ontario.

Act 4th, Wm. IV., &c., incorporated herewith and to apply to the company.

4. The capital stock of the said Company shall be three millions of dollars, divided into thirty thousand shares of one hundred dollars each.

Capital \$3,000,000.

5. From and after the passing of this Act, the said Honourable William McMaster, James F. Joy, Henry P. Baldwin, Christian H. Buhl, Donald MacInnes, the Honourable John Carling, Aquila Walsh, David Thompson, Joseph A. Woodruff, Colin Munro, Thomas Arkell, Thomas M. Nairn, James H. Beatty, Gervaise Goodwin, Angus P. Macdonald, E. M. Schooley, James M. Williams, John Charles Rykert and George Seffel shall be provisional directors of the said Company.

Provisional Directors.

6. The persons named in the fifth clause hereof are constituted the board of provisional directors of the said company, and shall hold office as such until the first election of directors under this Act, and shall have power and authority immediately after the passing of this Act, to open stock books, and procure subscriptions of stock for the undertaking, giving at least four weeks previous notice by advertisement in the *Ontario Gazette*, of

Powers of provisional directors.

of the time and place of their meeting to receive subscriptions of stock; and the said provisional directors may cause surveys and plans to be made and executed, and to acquire any plans and surveys now existing, and it shall be their duty, as hereinafter provided, to call a general meeting of shareholders for the election of directors.

No subscription valid unless ten per cent paid thereon.

7. No subscription of stock in the capital of the said company shall be legal or valid, unless ten per centum shall have been actually and *bona fide* paid thereon, within five days after subscription, into one or more of the chartered banks of this Province, to be designated by the said directors, and such ten per centum shall not be withdrawn from such bank, or otherwise applied, except for the purposes of such railway, or upon the dissolution of the company from any cause whatever; and the said directors or a majority of them may, in their discretion, exclude any persons from subscribing, who, in their judgment, would hinder, delay, or prevent the said company from proceeding with and completing their undertaking under the provisions of this Act; and if more than the whole stock shall have been subscribed, the said provisional directors shall allocate and apportion it amongst the subscribers, as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, this will best secure the building of the said railway.

Allocation of stock in certain cases.

General meeting for election of directors, when to be called.

8. So soon as one million dollars of the said capital stock shall have been subscribed as aforesaid, and ten per cent *bona fide* paid thereon, and deposited in one or more of the chartered banks of this Province, for the purposes of the company, the hereinbefore mentioned directors, or a majority of them, shall call a meeting of the shareholders of the said company, at such time and place as they may think proper, giving at least two weeks notice in the *Ontario Gazette*, at which meeting the shareholders shall elect nine directors from the shareholders possessing the qualifications hereinafter mentioned, which directors shall hold office until the next annual meeting of the shareholders as hereinafter provided.

Annual general meetings.

9. The annual general meeting of the shareholders for the election of directors, and other general purposes, shall be held at the city of Hamilton, or elsewhere, within this Province, as may be appointed by by-law, on the first Wednesday in the month of June in each year, and two weeks' previous notice thereof shall be given by publication, as provided in the last preceding clause.

Qualification of directors.

10. No person shall be elected a Director of the said company unless he shall be the holder and owner of at least twenty shares in the stock of the said company, and shall have paid up all calls made thereon.

11. No call to be made at any time upon the said capital stock shall exceed ten per centum on the subscribed capital. Calls.

12. All deeds and conveyances for land required by the said company may be in the form given in Schedule A annexed; and all Registrars are required to register the same on the production of a duplicate thereof, with an affidavit of due execution, and for so doing the Company shall pay to the said Registrar the fee of ten shillings and sixpence, and no more. Form of conveyance.

13. The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, but limited to the terms of this Act, shall have power to issue bonds, made and signed by the president or vice-president of the said Company, and countersigned by the Secretary and Treasurer, and under the seal of the said Company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking, and the property of the Company, real and personal, and then existing, and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof, upon the undertaking and the property of the Company as aforesaid; Provided, however, that the whole amount of such issue of bonds shall not exceed in all the sum of three million dollars, nor shall the amount of such bonds issued at any one time be in excess of the amount of the paid up instalments on its share capital, together with the amount of paid-up Municipal and other bonuses, and of the amount which has been actually expended in surveys and in works of construction upon the line; and provided also further that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors and for voting as are attached to shareholders, provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares. Directors may issue bonds, not to exceed \$3,000,000. Bonds to be registered.

14. One million dollars, at least, of the said capital stock shall be subscribed, and the said deposit in cash of ten per centum thereon shall be made, and the said line of railway be *bona fide* commenced, within one year from the passing of this Act; and at least one million of dollars shall be *bona fide* expended in works of construction thereon within three years from the passing of the said Act; and in default of any one of the said several foregoing requirements, or that the said line of railway be wholly completed within three years, then this charter and the privileges thereby conferred shall become forfeited. When work to be commenced and conditions.
Provided

vided always that notice of the payment of the money into one of the chartered banks of this Province as required by this Act shall be published for at least one month in the *Ontario Gazette*, and a copy of the stock list of the company, duly verified, shall at the same time be deposited in the office of the Provincial Secretary; and the said money so paid into the bank as aforesaid shall remain therein to the joint credit of the said company and the Treasurer of Ontario, until satisfactory evidence of the *bona fides* of all the subscriptions, and of the ability and intention of the said company to commence and carry on the works of the said Railway shall be furnished the Lieutenant-Governor in Council, and an order shall have been issued declaring the same to be *bona fide*. And any Municipality along the line of the proposed Railway, or any Railway Company duly organized in Ontario, shall be at liberty to examine into and test the *bona fides* of the subscriptions before the Lieutenant-Governor in Council within one month after the first publication of the said notice. And in the event of non-compliance with the above provisions within the times limited by this Act, then the rights and privileges conferred by this Act shall cease and be void and of none effect.

Company may
purchase lands
and for what
purposes,

15. Whenever it shall become necessary, for the purpose of procuring sufficient lands for stations or gravel pits, or other purposes, for constructing, maintaining and using the said railway, it shall be necessary to purchase more land than is required for such stations, or gravel pits, or other purposes, the said company may purchase, hold, use or enjoy such lands, and also the right of way thereto, if the same be separated from their railway, in such manner, and for such purposes connected with the constructing, maintenance or use of the said railway as they may deem expedient. and to sell and convey the same, or parts thereof, from time to time, as they may deem expedient.

may enter into
agreement
with other
companies for
use of road,
&c.

16. It shall be lawful for the said company to enter into any agreement with any other railway company in the Dominion of Canada, for leasing the said railway, or any part thereof, or the use thereof, at any time or times, or for any period, to such other company, or for leasing or hiring from such other company any railway or part thereof, or the use thereof, or for the leasing or hiring any locomotives, tenders or moveable property, and generally to make any agreement or agreements with any such other company, touching the use by one or the other, or by both companies, of the railway or moveable property of either, or of both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, or such other railway company may agree, for the loan of its credit to, or may subscribe to and become the owner of the stock of the railway company hereby created, in like manner and with like rights as individuals, but in so far only as the powers hereby conferred may be construed to have reference to any act, deed, matter, or thing to be done, executed, fulfilled

or performed within the limits of the Province of Ontario, to the other and the compensation therefor; and any such agreement shall be valid and binding, and shall be enforced by Courts of Law according to the terms and tenor thereof; and any company or individual accepting and executing such lease shall be and is empowered to exercise all the rights and privileges in the Charter conferred.

17. And be it enacted, that if at any time within twelve months after the passing of this Act, the said Canada Air Line Railway Company shall by any agreement made with the Grand Trunk Railway Company, or the Buffalo and Lake Huron Railway Company, or with both of the said companies, or by any terms settled by any arbitration between all or any of the said railway companies, arrange for the passenger and freight trains of the said Canada Air Line Railway Company passing over the said Buffalo and Lake Huron Railway to its eastern terminus, then and in such case, the eastern terminus of the said railway of the said Canada Air Line Railway Company authorized to be constructed by this Act, shall be at such point on the said Buffalo and Lake Huron Railway as may be agreed upon by the said companies, or by arbitration between them as aforesaid, and not at the point in this Act mentioned as the eastern terminus, unless such last mentioned point be agreed upon or settled by arbitration as aforesaid; and in the event of such arbitration being agreed upon, one of such arbitrators shall be chosen by the said Canada Air Line Railway Company, and another of the said arbitrators by the said Grand Trunk Railway Company, or the Buffalo and Lake Huron Railway Company, as the case may be, and the said two arbitrators shall, within one month thereafter choose a third arbitrator, and the decision of the majority of the said arbitrators shall be final, both upon the point where the eastern terminus of the said railway shall be, and also upon the terms of arrangement for the passenger and freight trains of the said Canada Air Line Railway Company over the Buffalo and Lake Huron Railway, and the works to be provided to insure the transport of the said trains; Provided always, that if the said Grand Trunk Railway Company or the Buffalo and Lake Huron Railway Company, as the case may be, appoint an arbitrator within the said period of twelve months aforesaid, and notify the said appointment in writing to the said Canada Air Line Railway Company, and the said Canada Air Line Railway Company neglect or refuse to appoint an arbitrator within one month after such notice, then and in such case, the said Grand Trunk Railway Company or the Buffalo and Lake Huron Railway Company, as the case may be, may appoint both of the arbitrators, who shall, within one month thereafter appoint a third, and in the case of disagreement between the said arbitrators upon the appointment of a third arbitrator, then the third shall be appointed by the Lieutenant-Governor in Council upon application by either party, one month's notice being given to the other party of such application,

Provision for eastern terminus in certain events.

Proviso.

Proviso.

plication, and the decision of the majority of the said arbitrators shall be final; Provided always, that the award of the arbitrators shall be in writing under their hands and seals, and be made within three months after they shall have been so appointed as aforesaid: Provided that any award to be made by the said arbitrators, or a majority of them, so far as the same shall determine the terms of arrangement for the passenger and freight trains of the Canada Air Line Railway Company, passing over the Buffalo and Lake Huron Railway, and the payment of tolls for such right, and the works to be provided to insure the transport of the said trains, shall be open to reconsideration and re-arbitration and re-determination at the expiration of five years, and so on from time to time, for the period of five years only at any one time, so long as the said powers are required, and until such new award shall be made the award preceding it shall be the rule and guide between the parties.

* Municipalities may exempt property of Company from taxation, or make compensation, etc.

18. It shall be further lawful for the Corporation of any Municipality through any part of which the Railway of the said Company passes or is situate, by by-law specially passed for that purpose to exempt the said Company and its property within such Municipality, either in whole or in part from Municipal assessment or taxation, or to agree to a certain sum per annum or otherwise in gross or by way of commutation or composition for payment, or in lieu of all or any Municipal rates or assessments to be imposed by such Municipal Corporation, and for such term of years as such Municipal Corporation may deem expedient.

Company may become party to notes bills, etc.

19. The company shall have power to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such promissory note made or endorsed, and such bill of exchange drawn, accepted or endorsed by the President or Vice-President of the company, and countersigned by the Secretary and Treasurer, and under the authority of a majority of a quorum of the Directors, shall be binding on the company; and every such promissory note or bill of exchange made, drawn, accepted or endorsed by the President or Vice-President of the said company, and countersigned by the Secretary and Treasurer, as such shall be presumed to have been properly made, drawn, accepted or endorsed, as the case may be, for the company, until the contrary be shown; and in no case shall it be necessary to have the seal of the company affixed to any such bill of exchange or promissory note; nor shall the President, Vice-President, or Secretary and Treasurer of the company, so making, drawing, accepting or endorsing any such promissory note or bill of exchange, be thereby subjected individually to any liability whatever: Provided always that nothing in this section shall be construed to authorize the said company to issue any note payable to bearer, or any promissory note intended to be circulated as money, or as the notes of a Bank.

Proviso.

20. And with reference to that portion of the one hundred and thirty-first section of the Railway Act, being the sixty-sixth chapter of the consolidated statutes of the former Province of Canada, as amended by the Act passed by the Parliament of the former Province of Canada in the twenty-fourth year of Her Majesty's reign, and chaptered seventeen, whereby railway companies must afford to each other every facility for the forwarding of traffic without preference or favour, and in addition to all penalties now enacted and in force in respect thereof it is further enacted that this Company, and any railway company created by the Legislature of the Province of Ontario, which shall be chartered to build a railway from the St. Clair river to Glencoe, or from the Detroit river to St. Thomas, or both, shall comply with the aforesaid provisions, and shall forward the traffic of the other company in good faith, and with all reasonable expedition, and in accordance with the intentions and spirit of the said enactment; and in the event of any breach of compliance with any of the said provisions on the part of either company, it shall be lawful for the company having cause of complaint to apply to any one of the Judges of the Superior Courts at Toronto, in term or in vacation, for the appointment of an engineer, or other experienced person to examine into the matter and make an award in writing specifying the manner in which the grounds of complaint shall be removed, and the system to be observed in order to properly fulfil and carry out the terms of the said one hundred and thirty-first section and the amendment thereto.

Provisions as to Companies dealing fairly with each other.

Application to a Judge in case of unfair dealing, and award thereon.

21. The said application to the said judge, the notice thereof to the other company, and the proceedings upon and inclusive of the appointment of the said engineer or experienced person, shall be a submission between the said parties, and as such may be made a rule of any of Her Majesty's Superior Courts for Ontario at Toronto.

The application and proceedings may be made a Rule of Court.

22. The period of time to which the system to be observed as defined by the said award shall be limited, shall be a period of five years, unless the judge making the appointment of arbitrator shall, upon the proceedings brought before him at the time of the application for such appointment, deem it proper that the same shall be for any shorter period to which he shall shorten or limit the same, and any one application shall be no bar to subsequent applications for other infringements of the said one hundred and thirty-first section and the amendment thereto; Provided also that no traffic arrangement shall be made exclusive or preferential towards the other by any of the companies aforesaid for the conveyance or forwarding of traffic upon or over any line of railway between the Grand river and the Niagara river.

Time in the award for observance, &c.

SCHEDULE A.

Know all men by these presents, that I of
hereby, in consideration of dollars paid to me by the
Canada Air Line Railway Company, the receipt whereof I
hereby acknowledge, do grant and confirm to the said company,
its successors and assigns for ever, all that certain parcel of
land situate

for the purpose of their railway, and I the wife of the
said do hereby release my dower on the said lands.

As witness hand and seal, this day of one
thousand eight hundred and

Signed, sealed and
delivered in the }
presence of

CAP. XXXIV.

An Act to Incorporate the Canada Western Air-Line
Railway Company.

[Assented to 24th December, 1869.]

Preamble.

WHEREAS, D. C. Littlejohn, Gilbert Hatheway, Cheney
Ames, A. S. Page, Luther Wright, J. K. Post, S. K.
Shetterly, O. Ames, William Brownell, Crocket McElroy
S. Brownell, S. G. Nye, John K. Hatheway, N. L. Miller, Isaac
N. Hathaway, H. K. Low, Francis Palms, Giles Hubbard,
Franklin Moore, James Young, and J. D. Edgar, have peti-
tioned the Legislature for an Act of Incorporation to
construct a railway from some point on the St. Clair River,
between the Village of Mooretown and Baby's Point, in the
County of Lambton, to a point on the line of the Great West-
ern Railway at the village of Glencoe, and it is expedient
to grant the prayer of the said petition; Therefore Her Majesty,
by and with the advice and consent of the Legislative As-
sembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. The said D. C. Littlejohn, James Young, W. A. McNaugh-
ton, Thomas Curtis Clark, D. Crawford, Peter Cattnach, Giles
Hubbard, Andrew Elliot, John McRae, C. P. Hooker, D. Gal-
lagher, Wesley Truesdale, John Kitton, John R. McRae, Cole
Macdonald, Abraham Smith, R. P. Eldridge, H. C. Schnoor, C.
McElroy, John L. Agens, Gilbert Hatheway, N. L. Miller, and
S. Brownell, together with such other persons and Corporations
as shall become Shareholders of the Company hereby incorpor-
ated,

ated, shall be and are hereby ordained, constituted and declared to be a body corporate and politic, by and under the name and style of "The Canada Western Air-Line Railway Company." Corporate name of Company.

2. The several clauses of the Railway Act of the Consolidated Statutes of Canada, and amendments with respect to the first, second, third, fourth, fifth and sixth clauses thereof, and also the several clauses thereof with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors, their election and duties," "calls," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity and fines, and penalties, and their prosecution," "by-laws, notices, &c.," "working of the railway," and "general provisions," shall be incorporated with, and be deemed to be a part of this Act, and shall apply to the said Company, and to the Railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof, and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act so incorporated with this Act. Certain clauses of Railway Act to apply.

3. The said Company shall have full power and authority to lay out, construct and complete an iron railway, with one or more tracks, from some point on the St. Clair River, between the Village of Mooretown and Baby's Point, in the County of Lambton to a point on the line of the Great Western Railway at the village of Glencoe, in the County of Middlesex, and with full authority to pass over any of the country between the points aforesaid, and to carry the said Railway through the Crown lands lying between the points aforesaid; but the foregoing powers shall not be exercised until the first day of November, one thousand eight hundred and seventy, nor then unless the Canada Southern Railway Company, formerly called the Erie and Niagara Extension Railway Company, shall by that time have made default in organizing the said company and in commencing the construction of their railway, in accordance with the Erie and Niagara Extension Act of 1868, and the amendments made thereto by any Act of the present session. Construction of Railway.

4. The said D. C. Littlejohn, James Young, Gilbert Hatheway, N. L. Miller, S. Brownell, W. A. McNaughton, Thomas Curtis Clark, D. Crawford, Peter Cattnach, Giles Hubbard, Andrew Elliot, John McRae, C. P. Hooker, D. Gallagher, Wesley Truesdale, John Kitton, John R. McRae, Cole Macdonald, Abraham Smith, R. P. Eldridge, H. C. Schnoor, C. McElroy, John L. Agens, shall be and are hereby constituted Provisional Directors of the said Company, and shall hold office as such until other directors shall be elected under the provisions of this Act by the Shareholders; and a majority of such provisional directors shall have power and authority, Provisional directors, their powers.

immediately after the passing of this Act, to open stock-books and procure subscriptions for the undertaking, to make calls upon the subscribers, to cause surveys and plans to be made and executed, and as hereinafter provided, to call a general meeting of the Shareholders for the election of directors.

Capital stock
of the Com-
pany.

Application of
the money
raised on the
stock.

5. The Capital Stock of the Company hereby incorporated shall be one million dollars (with power to increase the same in the manner provided by the Railway Act), to be divided into shares of one hundred dollars each, which amount shall be raised by the persons and corporations who may become Shareholders in such Company; and the money so raised shall be applied, in the first place, to the payment and discharge of all fees, expenses and disbursements for procuring the passage of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and no subscription of stock in the capital of the said company shall be legal or valid, unless ten per centum shall have been actually and *bona fide* paid thereon, within sixty days after subscription and the same paid into one or more of the chartered banks of this Province, to be designated by the majority of said provisional or other directors of said company, and such ten per centum shall not be withdrawn from such bank, or otherwise applied, except for the purposes aforesaid, and for the other purposes of such railway, or upon the dissolution of the company from any cause whatever; and the said directors or a majority of them may, in their discretion, exclude any persons from subscribing, who in their judgment, would hinder, delay or prevent the said company from proceeding with and completing their undertaking under the provisions of this Act; and if more than the whole stock shall have been subscribed, a majority of said provisional directors shall allocate and apportion it amongst the subscribers, as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the majority of said directors may, in their discretion, exclude any one or more of the said subscribers, if in their judgment, this will best secure the building of the said railway.

Municipalities
may aid by
granting
bonuses, etc.

such aid to be
granted by
By-Law.

6. And it shall further be lawful for any municipality or municipalities, through any part of which, or near which the Railway or works of said Company shall pass or be situated, to aid or assist the said Company, by loaning or guaranteeing or giving money by way of bonus or other means to the Company, or issuing Municipal bonds to or in aid of the Company, and otherwise in such manner and to such extent as such municipalities, or any of them, shall think expedient; Provided always that such aid, loan, bonus or guarantee, shall be given under a by-law for the purpose, to be passed in conformity with the provisions of the Act respecting Municipal Institutions for the creation of debts; and all such by-laws so passed shall be valid, notwithstanding that such rate may exceed the aggregate rate of two cents in the dollar on the actual value of such ratable property.

property; Provided that the annual rate of assessment shall not in any case exceed for all purposes three cents in the dollar on the actual value of the whole ratable property within the municipality, or portion of a municipality, creating such debt.

7. In case a majority of the persons rated on the last assessment roll as freeholders in any portion of a Municipality do petition the Council of such Municipality, defining the metes and bounds of the section of the Municipality within which the property of the petitioners is situated, and expressing the desire of the said petitioners to aid in the construction of the said railway by granting a bonus or donation to the said Company for this purpose, and stating the amount which they so desire to give and grant and to be assessed therefor, the Council of such Municipality shall pass a by-law:—

If a portion of the municipality desire to aid, Council to pass a By-Law.

(1.) For raising the amount so petitioned for by the freeholders in such portion of the municipality, by the issue of debentures of the municipality, payable within twenty years or earlier, and for the payment to the said Company of the amount of the said bonus or donation at the time and on the terms specified in the said petition.

for issuing debentures.

(2.) For assessing and levying upon all the ratable property lying within the section defined by the said petition an annual special rate sufficient to include a sinking fund for the repayment of debentures, with the interest thereon, which Municipal Councils are hereby authorized to execute and issue in such cases respectively;

for assessing and levying rate.

Provided the said by-laws shall be approved of as in sections two hundred and twenty-six, two hundred and twenty-seven, and two hundred and twenty-eight of the Municipal Act of one thousand eight hundred and sixty-six, chapter fifty-one, by the majority of qualified electors in the portion of a Municipality petitioning as aforesaid.

By-law to be approved by electors.

8. Whenever any municipality, or portion of a municipality shall grant a bonus to aid the making, equipment and completion of said Railway, it shall be lawful for said Company to enter into a valid agreement with such municipality binding the said Company to expend the whole of such bonus upon works of construction within the limits of the Municipality granting the same.

When a bonus is granted the Company may enter into an agreement to expend such bonus within the municipality.

9. Whenever any municipality, or portion of a municipality, shall grant a bonus to aid the said Company in the making, equipping and completion of the said Railway, the debentures therefor may, at the option of the said municipality, within six weeks after the passing of the By-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said Company, and one by the

Debentures to be held by trustees.

How the trustees are to be appointed.

Wardens

Wardens of the Counties of Lambton and Middlesex, all the Trustees to be residents of the Province of Ontario: Provided that if the Lieutenant-Governor in Council shall refuse or neglect to name such trustee within one month after the notice in writing to him of the appointment of the two other trustees, the Company shall be at liberty to name one in the place of the one to have been named by the said Lieutenant-Governor in Council: Provided also, that the said Wardens shall appoint the said trustees to be named by them by vote of a majority of them who shall attend a meeting for that purpose, to be held at such time and place as the said Company may appoint for that purpose, notice of which shall be sent to each Warden by mail at least fourteen days before the day appointed, and if the said Wardens then fail or neglect to name such Trustee, the said Company shall be at liberty to name one in the place of the Trustee to have been named by the said Wardens.

Appointment
of new
Trustees.

10. Any trustee appointed may be removed, and a new Trustee appointed in his place at any time by the consent of the Lieutenant-Governor in Council, a majority of the said wardens, and the said Company.

Trusts on
which the
debentures are
to be held.

11. The said trustees shall receive the said debentures in trust; Firstly, to convert the same into money; Secondly, to deposit the amount realized from the sale of such debentures in some of the chartered Banks having an office in the town of Sarnia, in the name of the "Canada Western Air Line Railway Municipal Trust Account," and to pay the same out to the said Company from time to time on the certificate of the Chief Engineer of the said Railway in the form set out in Schedule "A" hereto, or to the like effect, setting out the portion of the Railway to which the money to be paid out is applied, and the total amount expended on such portion to the date of the certificate, and that the sum so certified does not exceed the *pro rata* amount per mile for the length of the road, to be applied on the work so done, and such certificate to be attached to the cheques to be drawn by the said Trustees.

Act of two
Trustees to be
binding.

12. The Act of any two of such Trustees to be as valid and binding as if the three had agreed.

General meet-
ing for elec-
tion of direc-
tors, when to
be called.

13. So soon as one-fifth part of the said capital stock shall have been subscribed as aforesaid, and twenty per centum paid thereon and deposited in one of the chartered Banks of this Province for the purposes of the said Company, the majority of directors shall call a general meeting of the subscribers to the said capital stock who shall have so paid up twenty per centum thereof, for the purpose of electing Directors of said Company.

How the meet-
ing may be
called, if the

14. In case the majority of Provisional Directors neglect to call such meeting for the space of three months after such amount

of the capital stock shall have been subscribed, and twenty per centum thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up twenty per centum, and who are subscribers among them for not less than one thousand dollars of the said capital stock, and who have paid up all calls thereon.

provisional directors neglect to call the same.

15. In either case notice of the time and place of holding such general meeting shall be given by publication in the *Ontario Gazette*, and in one newspaper published in each of the counties through which the said railway is intended to pass, once in each week, for the space of at least one month, and such meeting shall be held in the town of Sarnia, at such place therein and on such day as may be named by such notice.

Notice of the general meeting.

16. At such general meeting the subscribers for the capital stock assembled, who shall have so paid up twenty per centum thereof, with such proxies as may be present of subscribers who have also paid up, shall choose nine persons to be the Directors of the said Company, and may also make or pass such rules and regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

Election of directors.

17. No person shall be qualified to be elected as such Director by the Shareholders unless he be a Shareholder holding at least ten shares of stock in the Company and unless he has paid up all calls thereon.

Qualification of directors.

18. Thereafter the general annual meeting of the Shareholders of the said Company shall be held in such place in the town of Sarnia, and on such days and at such hours as may be directed by the by-laws of the said Company, and public notice thereof shall be given at least fourteen days previously in the *Ontario Gazette*, and in one or more newspapers published in the counties through which the railway runs.

Annual meetings, when and where to be held.

notice thereof.

19. Special general meetings of the Shareholders of the said Company may be held at such places in the town of Sarnia, and at such times and in such manner and for such purposes as may be provided by the by-laws of the said Company.

Special general meetings, when and where to be held.

20. The Directors of the said Company, after the sanction of the Shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, but limited to the terms of this Act, shall have power to issue bonds made and signed by the president or vice-president of the said Company, and countersigned by the secretary and treasurer, and under the seal of the said Company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the property of the

Issue of bonds by the Company to raise money.

How the bonds
are to be
issued.

Rights of hol-
ders of the
bonds at an-
nual meeting,
when interest
thereon is un-
paid,
provided the
bonds and
transfers are
registered.

Securities may
be payable to
bearer.

Company may
make promiss-
ory notes,
etc.,

if not intended
to be circu-
lated as
money.

Scale of votes.

How stock

the Company, real and personal, and then existing, and at any time thereafter acquired, and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking and the property of the Company as aforesaid; Provided, however, that the whole amount of such issue of bonds shall not exceed in all the sum of one million dollars, nor shall the amount of such bonds issued at any one time be in excess of the amount of the paid up instalments on its share capital, together with the amount of paid up Municipal and other bonuses, and which have been actually expended in surveys and in works of construction upon the line; and provided also, further, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said Company, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors and for voting as are attached to shareholders; Provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares.

21. All such bonds, debentures, mortgages and other securities and coupons and interest warrants thereon respectively, may be made payable to bearer, and transferable by delivery, and any holder of any such so made payable to bearer may sue at law thereon in his own name.

22. The said Company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such promissory note made or endorsed by the president or vice-president of the Company, and countersigned by the secretary and treasurer of the said Company, and under the authority of a quorum of the directors, shall be binding on the said Company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the said Company affixed to such promissory note or bill of exchange, nor shall the president or vice-president or the secretary and treasurer be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the Board of directors, as herein provided and enacted; Provided, however, that nothing in this section shall be construed to authorize the said Company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

23. Every shareholder of one or more shares of the said capital stock shall, at any general meeting of the shareholders, be entitled to one vote for every share held by him.

24. At all meetings of the Company the stock held by municipa

municipal and other corporations may be represented by such person as they shall respectively have appointed in that behalf by by-law, and such persons shall at such meetings be entitled equally with other shareholders to vote by proxy; and no shareholder shall be entitled to vote on any matter whatever unless all calls due on the stock held by such shareholder shall have been paid up at least one week before the day appointed for such meeting.

held by Corporations to be represented.
Only shareholders who have paid up to vote.

25. Any meeting of the directors of the said Company regularly summoned, at which not less than five directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said Directors.

Quorum of Directors.

26. The directors may at any time call upon the shareholders for such instalments upon each share which they or any of them may hold in the capital stock of the said company, and in such proportion as they may see fit, except that no such instalment shall exceed ten per centum on the subscribed capital, and that sixty days notice of each call shall be given in such manner as the Directors shall think fit.

Calls upon shares.

27. Conveyances of lands to the said Company for the purposes of this Act may be made in the form set out in the Schedule (Schedule B) hereunder written or to the like effect; and such conveyances shall be registered by duplicates thereof in such manner and upon such proof of execution as is required under the Registry Laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificate endorsed on the duplicate thereof.

Form of conveyances to Company,
how to be registered.
Registrar's fees.

28. The gauge of the said Railway shall be not less than four feet eight and a half inches.

Gauge of Railway.

29. Any shareholder in the said Company, whether a British subject or alien, or a resident in Canada or elsewhere, shall have equal rights to hold stock in the said Company and to vote on the same and to be eligible to office in the said Company.

Rights of alien or non-resident shareholders.

30. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations, or gravel pits, or for constructing, maintaining, and using the said Railway, the Company may purchase, hold, use or enjoy such lands, and also the right of way thereto, if the same be separated from their Railway, and to sell and convey the same or parts thereof from time to time as they may deem expedient, and may also make use of, for the purpose of the said Railway, the water of any stream or watercourse over or near which the said Railway passes, doing however no unnecessary damage thereto, and not impairing the usefulness of such stream or watercourse.

Company may use land for gravel pits,
and waters of streams.

31. The Interpretation Act shall apply to this Act.

Interpretation Act to apply.

SCHEDULE

SCHEDULE A.

CHIEF ENGINEER'S CERTIFICATE.

THE C. W. A. L. RAILWAY COMPANY'S OFFICE,
ENGINEER'S DEPARTMENT, A.D. 18

No.

Certificate to be attached to cheques drawn on the C. W. A. L. Railway Municipal Trust Account, and given under section of cap. 33 Vic.

I, _____ Chief Engineer for the C. W. A. L. Railway, do hereby certify, that there has been expended in the construction of mile No. _____, (the said mileage being numbered consecutively from _____,) the sum of _____ dollars to date, and that the total *pro rata* amount due for the same, from the said Municipal Trust Account, amounts to the sum of _____ dollars, which said sum of _____ dollars is now due and payable as provided under said Act.

SCHEDULE B.

Know all men by these presents that I (or we) (*insert also the name of wife or any other person who may be a party,*) in consideration of _____ dollars paid to me (*or as the case may be*) by the C. W. A. L. Railway Company, the receipt whereof is hereby acknowledged, do grant and convey (and I, the said _____ do grant and release, *or* do bar my dower in (*as the case may be*) all that certain parcel (*or* those certain parcels (*as the case may be,*) of land situate (*describe the land*) the same having been selected and laid out by the said Company, for the purposes of their Railway, to hold with the appurtenances unto the said C. W. A. L. Railway Company, their successors and assigns.

As witness my (*or our*) hand and seal (*or* hands and seals), this _____ day of _____ one thousand eight hundred and _____

Signed, sealed and delivered, in the }
presence of _____ }

[L.S.]

CAP. XXXV.

An Act to revive, for a limited purpose, the Charter of the Hamilton and Port Dover Railway Company.

[Assented to 24th December, 1869.]

WHEREAS the Hamilton and Port Dover Railway Company were obliged from pecuniary embarrassments to suspend their works; and whereas the said Company were indebted under and by virtue of certain judgments at law, and are entitled to sundry debts, moneys, and claims due them, which ought to be got in and applied in payment of their debts, but their charter having expired, further proceedings for that purpose are impracticable until the said charter be revived; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The charter of the said the Hamilton and Port Dover Railway Company is hereby revived for the purpose of realizing and getting in their debts, moneys, and assets, and for such purpose, but for no other, their charter shall be held and taken not to have expired or determined. The charter revived for certain purposes.

2. For the purposes aforesaid, all judgments at law heretofore existing against the said Company, and all debts, moneys, and claims heretofore subsisting, or owing to or in favor of the said Company, except such as have been paid, released or satisfied, or had become barred by the Statute of limitation before the expiration of the said Charter, and all actions and suits heretofore pending and undetermined between the said Company and any other party or parties, are hereby revived, and shall be held and taken to be in the same plight and condition, and in as full force and effect, as immediately before the expiration of the said charter, and as if the said charter had not expired: Provided always that before any further proceedings are taken in the said suit or suits security for costs shall be given by the plaintiff or plaintiffs to the satisfaction of the Court. Judgments, &c., revived.

3. Nothing herein contained shall be construed to authorize the said company to proceed with the construction of their railway or works. Company may not proceed with their works.

CAP. XXXVI.

An Act to authorize the construction of a Railway from some point in the City of Hamilton to Caledonia.

[Assented to 24th December, 1869.]

Preamble.

WHEREAS the parties hereinafter named, have by their Petition, prayed that they may be incorporated for the purpose of constructing a railway from some point in the City of Hamilton to the Village of Caledonia, or some other point on the Grand River, and it is expedient to grant the prayer of the said Petitioners: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. That George Hamilton Mills, James Turner, John Winer, John Stuart, Joseph Lister, Daniel Black Chisholm, Adam Brown, William Edgar, William L. Billings, Edward Gurney, Robert Russell Waddell, John I. McKenzie, William Copp, Andrew T. Wood, Isaac Buchanan, Donald MacInnes, and James E. O'Reilly, and such other persons as now are, or shall hereafter become shareholders in the said company, shall be and they are hereby made and constituted a body corporate and politic, by and under the name of The Hamilton and Lake Erie Railway Company.

Cons. Railway Stat. and amendments to apply.

2. The several clauses of the Railway Act of the Consolidated Statutes of Canada, and amendments with respect to the first, second, third, fourth, fifth and sixth clauses thereof, and also the several clauses thereof with respect to interpretation, incorporation, powers, plans and surveys, lands and their valuation, highways and bridges, fences, tolls, general meetings, president and directors, their election and duties, calls, shares and their transfer, municipalities, shareholders, action for indemnity, fines and penalties and their prosecution, by-laws, notices, working of the railway, and general provisions, shall be incorporated with and be deemed to be part of this Act, and shall apply to the said company and the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act" when used herein shall be understood to include the clauses of the Railway Act so incorporated with this Act.

Powers.

3. The said company hereby incorporated, their servants and agents, shall have full power under this Act to construct a railway from any point in the City of Hamilton to the Village of Caledonia or Cayuga, with full power to acquire the necessary lands for that purpose.

4. Conveyances of lands to the said company for the purposes of this Act may be made in the form set out in the Schedule hereunder written, or to the like effect; and such conveyances shall be received by the several Registrars, and be registered by duplicates thereof, in such manner and upon such proof of execution as is required under the registry laws of Ontario; and no Registrar shall be entitled to demand more than fifty cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicate thereof.

Conveyances
and registry.

5. The following gentlemen, namely; James Turner, A. T. Wood, William J. Copp, Geo. H. Mills, John Stuart, John I. McKenzie, J. M. Williams, Adam Hope, Edward Gurney, John Winer, William L. Billings, Joseph Lister, Andrew Skinner, James E. O'Reilly and Robert Nesbit, are constituted the board of provisional directors of the said company, and shall hold office as such until the first election of the directors under this Act, and shall have power and authority immediately after the passing of this Act, to open stock books and procure subscriptions of stock for the undertaking, giving at least three weeks previous notice, by advertisement in some newspaper published in the City of Hamilton, and in the *Ontario Gazette*, of the time and place of their meeting to receive subscriptions of stock; and the said directors may in their discretion, exclude any person from subscribing, who, in their judgment, would hinder or delay the company from proceeding with the railway.

Provisional
directors.

Subscription
of stock.

6. The capital of the company hereby incorporated shall be two hundred thousand dollars, (with power to increase the same in the manner provided by the Railway Act and by this Act for the extension hereinafter mentioned,) to be divided into forty thousand shares of fifty dollars each, and shall be raised by the persons and corporations who may become shareholders in such company; and the money so raised shall be applied in the first place, to the payment of all the expenses for making the surveys, plans and estimates connected with the works hereby authorized, and all the remainder of such money shall be applied to the making, equipment and completion of the said railway, and the other purposes of this Act, and to no other purpose whatever.

Capital.

Shares.

Application of
moneys.

7. And it shall further be lawful for any municipality or municipalities, through any part of which or near which the railway or works of the said company shall pass or be situated, or which may be benefited thereby, to aid and assist the said company, by loaning, or guaranteeing, or giving money by way of bonus or other means, to the company, or issuing municipal bonds to or in aid of the company, and otherwise in such manner and to such extent as such municipalities, or any of them, shall think expedient, and subject to such restrictions and conditions as may be mutually agreed on between such municipality and the directors

Power of mun-
icipalities to
aid,

by-laws as to. tors of the railway, such directors and the council of such municipality being respectively authorized to make such agreements as may be necessary for the purpose; Provided always, that no such aid, loan, bonus or guarantee shall be given except after the passing of by-laws for the purpose, and the adoption of such by-laws by the rate-payers, as provided in the Railway Act; Provided also, that any such by-law to be valid shall be made in conformity with the laws of this Province respecting municipal institutions.

First general meeting to be called by directors,

8. As soon as shares to the amount of one hundred thousand dollars of the capital stock of the said company shall have been subscribed, and ten per centum thereof paid into some chartered bank, and which shall not be withdrawn except for the purposes of this Act, the provisional directors shall call a general meeting of the subscribers for the said capital stock who shall have so paid up ten per centum thereof, for the purpose of electing directors of the said company.

on their default, to be called by stockholders.

9. In case the provisional directors neglect to call a meeting for the space of three months after such amount of the capital stock shall have been subscribed and ten per centum thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum, and who are subscribers among them for not less than one thousand dollars of the said capital stock; in either case notice of the time and place of holding such general meeting shall be given by publication in one newspaper in the city of Hamilton once in each week for the space of at least two weeks; and such meeting shall be held in the said city of Hamilton, at such place therein, and on such day as may be named by such notice.

Notice of meeting.

Election of directors.

10. At such general meeting, the subscribers for the capital stock assembled, who shall have so paid up ten per centum thereof, with such proxies as may be present, shall choose seven persons to be directors of the said company, and may also make or pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

By-laws.

Qualification of directors.

11. No person shall be qualified to be elected as such director by the shareholders, unless he be a shareholder holding at least ten shares of stock in the company, and unless he has paid up all calls thereon.

Annual general meetings, where and how held.

12. Thereafter the general annual meeting of the shareholders of the said company shall be held in such place in the city of Hamilton, on the third Wednesday in June in each year, or on such days, and at such hours, as may be directed by the by-laws of the said company; and public notice thereof shall be given at least thirty days previously in one or more newspapers published in the counties through which the said road may pass.

13. Special general meetings of the shareholders of the said company may be held at such places in the said city of Hamilton, and at such times, and in such manner, and for such purposes as may be provided by the by-laws of the said company, and after due notice shall be given as aforesaid. Special general meetings.

14. The directors of the said company shall have power to issue bonds made and signed by the president or vice-presidents of the said company, and countersigned by the secretary and treasurer, and under the seal of the said company for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be, the first and preferential claims and charges upon the undertaking and the property of the company, real and personal, then existing and at any time thereafter acquired, and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking and the property of the company as aforesaid: Provided, however, that the whole amount of such issue of bonds shall not exceed in all the sum of one hundred and fifty thousand dollars, nor shall the amount of such bonds issued at any one time be in excess of the amount of the actual paid up cash instalments on its share capital, together with the amount of municipal and other bonuses, and which have been actually expended in surveys and in works of construction upon the line: Provided also, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then, at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights, privileges and qualifications for directors and for voting as are attached to shareholders. Bonds to raise money, etc.
Limitation to bonds.
When bond-holders may vote.

15. All such bonds, debentures, mortgages and other securities and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such so made payable to bearer, may sue at law thereon in his own name. Bonds, etc., how to be made payable.

16. The said company shall have power and authority to become parties to promissory notes and bills of exchange, for sums not less than one hundred dollars; and any such promissory note made or endorsed, or any such bill of exchange drawn, accepted, or endorsed by the president or vice-president of the company, and countersigned by the secretary and treasurer of the said company, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made, shall be presumed to have been made with proper authority, until the contrary be shown; and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange; nor shall the president or vice-president or the secretary and treasurer be individually responsible for the same, unless the said Powers as to bills and notes.

said promissory notes or bills of exchange have been issued without the sanction and authority of the board of directors as herein provided and enacted : Provided, however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Votes on
shares.

17. Every shareholder of one or more shares of the said capital stock, and bondholders, as provided in section fourteen of this Act, in the same ratio as shareholders, shall, at any general meeting of the shareholders, be entitled to one vote for every share held by him.

Municipalities
aiding to be
neither privi-
leged or liable
as to Co.

18. The several municipalities who may pass by-laws for such donations or aid as is hereinbefore mentioned, by way of bonus, shall not be entitled to claim any interest in the railway as shareholders, nor be liable as such for any debt, obligation or contract of the company.

Quorum of
directors.

19. Any meeting of the directors of the said company regularly summoned, at which not less than four directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said directors.

Calls, how
payable.

20. No call shall exceed twenty per cent. upon the amount subscribed for by the respective shareholders in the said company, nor at shorter intervals than two months.

Hamilton and
Port Dover
Railway, pro-
visions as to
sale thereof.

21. And whereas the construction of a railway from the City of Hamilton to the said village of Caledonia was commenced several years since by the Hamilton and Port Dover Railway Company, but by reason of financial embarrassments the said company, after expending a large amount of money thereon, were unable to complete the same, and the charter of the said company has expired ; and whereas the said company, in pursuance of its powers, did grant a mortgage over the said railway to secure the bonds issued for its construction, but the trustees named in the said mortgage are both dead, and did also grant a mortgage for the purchase money of certain lands in Hamilton as station grounds for the said railway, and doubts have arisen as to the priority of the claims of a registered judgment creditor and the holders of such bonds as between each other ; and whereas the said undertaking is at present valueless, and it is expedient to provide some means of rendering the same available to the creditors having liens thereon, and useful to the public, be it therefore enacted : That all and singular the estate, title and interest which the said mortgagees and judgment creditor had in the said railway, its lands and appurtenances, shall, from and after the passing of this Act, become vested in Adam Hope, John Brown and William McGivern, as trustees for sale, and they are hereby empowered
to

to sell the said undertaking, and all other the mortgaged premises, or any part thereof, either by public auction or private contract, as hereinafter provided; but no such sale shall be made except with the assent of the holders of a majority in value of the said bonds, secured by the said mortgage, and of the said mortgagees of the said station grounds, and the said registered judgment creditor.

22. The company hereby incorporated shall have power to purchase all and singular the said railway, its lands, privileges and appurtenances so comprised in the said mortgages, upon such terms as may be agreed on between them and the said trustees, with such consent as aforesaid, and either for cash or deferred bonds of the company, or in shares of the capital stock of the company, or partly in one or other of such modes of payment; Provided always that if no such agreement shall be effected within three months after the passing of this Act, it shall be competent for the company to acquire the lands so held under the said mortgage, or any portion thereof, compulsorily, in the same manner as they are authorized to acquire other lands, paying the purchase money to the said trustees, or allowing the said mortgagees or judgment creditor the amount due to them respectively as paid up stock in the company, at the option of the said mortgagees and judgment creditor respectively.

Hamilton and
P. D. Railway
may be sold
to the Co.

23. The company hereby created shall, upon the transfer to them of the said railway and works, as authorized by the preceding section, possess and enjoy the same, and the same shall thenceforth rest in and absolutely belong to the company, freed and discharged from all claims under the said mortgages or judgment, and from any claims by the shareholders in the said railway, and the company shall and may enjoy, exercise and enforce all the rights, powers, claims, benefits, franchises and privileges granted or conferred on, or held, possessed and enjoyed by the Hamilton and Port Dover railway, or the said mortgagees or any of them; Provided that, except as aforesaid, nothing herein contained shall be held or construed to make the company hereby incorporated liable for any mortgage given by the said Hamilton and Port Dover railway company on any lands for the purchase money thereof, but they shall and may acquire any lands so remaining unpaid for, or such portion as they may require, in the same manner as they can acquire other lands required for the said railway under this Act.

Powers of this
Co. on purchase of Ham-
ilton and P. D.
Railway.

24. Nothing herein contained shall affect or impair the validity of the liens of the said bondholders and registered judgment creditor respectively, or their priority, as between each other, but the same shall remain and continue as if this Act had not been passed; and in the event of the said claimants failing to agree among themselves, it shall be lawful for the company to pay the purchase money into the Court of Chancery, and for the said Court, or any Judge thereof, to decide upon

Hamilton and
P. D. Rail-
way, pro-
visions as to
liens thereon.

upon such claims on petition, and to make such orders for the payment thereof to the several claimants as shall appear just and equitable.

On completion
of purchase
the Co. may
issue bonds.

25. Upon completing such purchase, the company hereby created shall have power, through their directors, to issue their bonds under the seal of the company for a sum not exceeding one hundred thousand dollars, in addition to the bonds hereinbefore authorized to be issued, and such bonds shall take priority immediately after such other bonds, and shall be a lien or hypothec upon the said railway, not requiring any mortgage or registration.

The Co. may
agree with
other railways
as to working.

26. The company incorporated by this Act may enter into any arrangement with any other railway company, for the working of the said railway, on such terms and conditions as the directors of the two companies may agree on, or the company may lease the said railway, on such terms and conditions, and for such period, and at such rent as may be fixed and determined by the directors of the two companies: and in case of any such arrangement or lease, or of any agreement being made with any such railway company, such company may, and is hereby authorised to work the said railway in the same manner, and in all respects, as if incorporated with its own line.

When railway
to be com-
pleted and ex-
tended.

27. The said railway shall be completed from the city of Hamilton to Caledonia, or such other points on the Grand River, within two years from the passing of this Act, and in the event of non-completion within the time so limited the charter, powers and privileges of the company shall be forfeited.

SCHEDULE A.

Know all men by these presents, that I, (or We), (*insert also the name of any other person who may be a party*), in consideration of _____ dollars paid to me (*as the case may be*) by the Hamilton and Lake Erie Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I the said (*name of such other party, and of the wife. if the grantee be married*), do grant and release, or do bar my dower in, (*as the case may be*), all that certain parcel (or those certain parcels (*as the case may be*), of land situate (*describe the land*) the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said the Hamilton and Lake Erie Railway Company, their successors and assigns.

As witness my (or our) hand and seal (or hands and seals),
 this day of one thousand
 eight hundred and

Signed, sealed, and deliv- }
 ered in the presence of } (L.S.)

CAP. XXXVII.

An Act to incorporate the Kingston and Madoc Railway Company.

[Assented to 24th December, 1869.]

WHEREAS it is expedient to incorporate a company for the Preamble.
 construction of a railway, with iron or wooden rails,
 from the city of Kingston to the village of Tamworth, in the
 township of Sheffield, or the vicinity thereof, and thence to the
 village of Madoc, in the county of Hastings, and for other
 purposes; Therefore Her Majesty, by and with the advice and
 consent of the Legislative Assembly of the Province of Ontario,
 enacts as follows:—

1. William Robinson, Esquire; John Carruthers; Archibald Incorporation.
 Livingston and Henry Cunningham, merchants; and John
 Breden, Esquire, all of the city of Kingston; John McRory, of
 the township of Loughborough; Schuyler Shibley, of the town-
 ship of Portland; Allan Caton, of the village of Newburgh;
 George Lake, of the township of Camden; John Murphy, of the
 township of Sheffield; James C. Jamieson, of the township of
 Hungerford; the Honourable Billa Flint, of the township of
 Elzevir; Alpheus Field Wood and Albert Smallfield, of the
 township of Madoc, together with such other persons or corpo-
 rations as shall under the provisions of this Act become share-
 holders in the company hereby incorporated, shall be and are
 hereby ordained, constituted and declared to be a body corporate
 and politic by and under the name of "The Kingston and Madoc
 Railway Company."

2. The several clauses of "The Railway Act" of the Consoli- Certain
 dated Statutes of Canada, and the amendments thereto, with clauses of the
 respect to "Interpretation," "Incorporation," "Powers," "Plans Railway Act
 and surveys," "Lands and their valuation," "Highways and embodied.
 Bridges," "Fences," "Tolls," "General Meetings," "President
 and Directors, their election and duties," "Calls," "Shares and
 their transfer," "Municipalities," "Shareholders," "Actions for
 indemnity and Fines and Penalties and their Prosecution,"
 "By-Laws; Notices, &c.," "Working of the Railway" and
 "General Provisions," shall be incorporated with this Act, except

cept in so far as they are inconsistent with or are varied by this Act; and the expression "this Act," when used herein shall be understood to include the said clauses incorporated with this Act.

Power to construct railway, etc.

3. The company shall have power to lay out, construct and maintain a railway, with wood or iron rails, of not less than three feet gauge from any point within the limits of the city of Kingston, to the village of Tamworth in the township of Sheffield, or the vicinity thereof, thence to the village of Madoc in the county of Hastings, with power to pass over any portion of the country between the points aforesaid, and to lay out, construct and maintain branch railways, tramways and waggon-roads, not exceeding seven miles in length, to any mine, peat-bog, quarry, mill, lake or river.

Power to acquire certain lands in Kingston, etc.

4. The company shall have power to acquire unoccupied lands and unoccupied water-lot property within the city of Kingston, not to exceed in all ten acres, and to acquire in any and every township through which the said railway shall be carried, five acres, for the erection and maintenance thereon of necessary warehouses, stations, curves or sidings, or wharves or piers; and to enable the company to acquire the same, all the provisions of "The Railway Act" shall be as fully applicable as if the acquisition of such areas of land were authorized by the said Act.

Powers relative to branches, waggon roads, etc.

5. Notwithstanding anything in "The Railway Act" contained, the said Act shall as fully apply to the laying out, construction and maintenance of any branch of the railway, as if such branch formed part of the main line; and for the laying out, construction and maintenance of necessary waggon-roads, the company shall have power to enter upon, construct and maintain the same through the lands, not being a messuage or its curtilage of any person or corporation, subject to the application of the provisions contained in sections sixteen to thirty-one inclusive of chapter forty-nine of the Consolidated Statutes of Upper Canada: Provided, that if the municipality, within whose jurisdiction such road may be, shall desire to assume the same, such road shall be delivered up to the municipality on payment of the cost thereof, and thereupon the company shall cease to be responsible for the maintenance or repair of such road; and if such road shall become unnecessary for the use of the company, and the municipality shall decline to assume the same as aforesaid, the company shall have power to dispose of the land occupied by the road by public auction.

Proviso.

Power to acquire vessels, etc.

6. The company shall have power to construct, purchase, charter, and navigate scows, boats, sail and steam vessels on any inland lake, river, or stream near to or touched by the railway, other than Lake Ontario and the River St. Lawrence, for the purpose of traffic therewith.

7. The capital of the said company shall be five hundred thousand dollars to be divided into twenty-five thousand shares of twenty dollars each, which amount shall be raised by the persons hereinbefore named, and such other persons and corporations as may become shareholders in the company; and the money so raised shall be applied, in the first place, to the payment of all fees, expenses, and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the railway; and all the rest and remainder of such money shall be applied towards making, completing and maintaining the said railway, and other purposes of this Act: Provided always, that until the said preliminary expenses shall be paid out of the capital stock, it shall be lawful for the municipality of any county, town, village or township, to pay out of the funds of such municipality, either by way of bonus or donation or by way of loan to the said company, such preliminary expenses, or any part thereof, as the council of such municipality may by resolution direct; and in case of a loan, any sum thus advanced shall be refunded to the municipality from the stock of the said company, or shall be allowed in payment of any stock which may be subscribed or any bonus which may be given by such municipality.

Capital stock,

application thereof.

Proviso.

8. The persons named in the first clause hereof are constituted the board of provisional directors of the company, and shall hold office as such until the first election of directors under this Act, and shall have power to open stock books and procure subscriptions of stock for the undertaking, giving at least two weeks previous notice in a newspaper published in the city of Kingston, and in the county of Hastings, and in the *Ontario Gazette*, of the time and place of their meeting for receiving subscriptions; and the said directors may cause surveys and plans to be made and executed, and may acquire any plans and surveys now existing; and shall, as hereinafter provided, call a general meeting of the shareholders for the election of directors.

Provisional directors and their powers.

9. No subscription for stock in the capital of the company shall be valid, unless ten per centum shall have been actually paid thereon within five days after subscription into any one of the chartered banks of this Province, to be designated by the said directors.

Amount to be paid on subscribing.

10. When, and so soon as shares to the amount of one hundred thousand dollars in the capital stock of the said company shall be taken and twenty per centum shall have been paid thereon into some one of the chartered banks of the Province, and which said amount shall not be withdrawn from such bank, or otherwise applied, except for the purpose of the railway, or upon the dissolution of the company, the provisional directors of the company shall call a meeting of the subscribers for stock therein for the election of directors of the company, giving at least two weeks' notice in a newspaper published in the

When meeting for election of directors to be called.

Board of directors, how elected.

the city of Kingston and in the county of Hastings, and in the *Ontario Gazette*, of the time, place and object of such meeting; and at such general meeting, the shareholders present, either in person or by proxy, and who shall have paid twenty per centum upon the stock subscribed by them, shall elect ten persons to be directors of the company in the manner and qualified as hereinafter provided, which said directors shall constitute a board of directors, and shall hold office until the fourth Wednesday in January in the year following their election.

Annual general meeting.

11. On the said fourth Wednesday in January, and on the fourth Wednesday in January in each year thereafter, there shall be holden a general meeting of the shareholders of the company, at which meeting the shareholders shall elect ten directors for the ensuing year, in the manner and qualified as hereinafter provided; and public notice of such annual general meeting and elections, and of the time and place at which such meeting shall be held, shall be published for at least two weeks before the day of election, in a newspaper published in the city of Kingston, and in the county of Hastings, and in the *Ontario Gazette*; and all the elections for directors shall be by ballot, and the persons so selected, together with the heads of the municipal corporations qualified as hereinafter provided, shall form the board of directors.

Qualification of directors.

12. No person shall be elected a director, unless he shall be the holder or owner of at least thirty shares of the stock of the company, upon which all calls made by the company shall have been paid up.

Mayor, etc., to be *ex officio* director in certain cases.

13. The mayor, warden, or reeve, being the head of any municipal corporation subscribing for and holding stock in the company to the amount of ten thousand dollars or upwards, shall be *ex officio* one of the directors of the company in addition to the number of directors authorized by this Act, and shall have the same rights power and duties as any of the Directors of the company.

Who may be shareholders.

14. Aliens as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors of the company.

Votes of shareholders.

15. No shareholder shall be entitled to vote at any meeting in respect of any share on which at least twenty per centum shall not have been paid, together with all calls due at the time of such meeting.

Quorum of directors.

16. At all meetings of the board of directors, a majority of the directors shall form a quorum for the transaction of business,

business, and the said board of directors may employ one or more of their number as paid director or directors.

17. The said directors are hereby authorized to take all necessary steps for procuring subscriptions for shares in the stock books of the company, from parties desirous of becoming shareholders in the said company, until the whole of the capital stock authorized by this Act shall have been taken up, and to make, execute and deliver all such scrip and share certificates as to the said directors shall seem expedient.

Subscriptions
for shares.

18. The directors may at any time call upon the shareholders for instalments upon each share, which they or any of them may hold in the capital stock of the company, in such proportion as they may see fit: Provided, that no such call or instalment shall exceed the sum of ten per centum upon the amount subscribed for by the respective shareholders in the company, and that the amount of any such call in any one month shall not exceed ten per centum upon the stock so subscribed, so that there be at least one month between each call, until the whole capital be subscribed: Provided also, that upon the occasion of any person or corporation becoming a subscriber for stock in the company, it shall be lawful for the directors of the company for the time being, to demand and receive to and for the use of the company, the sum of twenty per centum upon the amount by such person or corporation respectively subscribed, and also the amount of such calls as shall at the time of such person or corporation respectively subscribing for stock have been made payable; and all persons subscribing to the capital stock of the company shall be considered proprietors and partners in the same, but shall be liable only to the extent of their unpaid stock therein.

Calls upon
shareholders.

Proviso as to
limitation of
calls.

Proviso.

19. The shares of the capital stock of the company shall be transferable, and may from time to time be transferred by the respective owners thereof: Provided always, that the original subscribers, or any future transferor, and the transferee, shall be always held personally liable to the company, and to the creditors thereof, for all or any part of the sums unpaid on such shares by the transferor or original shareholder subscribed, and for all calls thereon, whether due before or after any such transfer; and in any action brought for the recovery of any call or calls upon such stock, the company may sue the original subscriber, or the person or persons to whom the same may have been transferred, as the directors may elect, and failing to secure payment, may enter an action against, and may recover from the original subscriber any unpaid calls on such stock, together with the costs of any previous action in which the company may have recovered judgments against any other of the parties liable for such calls.

Shares trans-
ferable.

Proviso as to
liability of sub-
scribers.

20. The corporation of any municipality through any part of Municipalities
of

may aid by way of bonus, etc.,

of which, or near to which the railway or works of the company shall pass or be situated, may aid the company either by the grant of a bonus or bonuses, or the issue of municipal bonds or debentures, or by the guarantee or indorsement of any bond or debenture issued by the company or otherwise, in such manner and to such extent as to such municipality shall seem expedient: Provided that the by-law authorizing such guarantee, the grant of such bonus, or the issue of municipal bonds or debentures, shall be approved of in manner provided by the Act intituled "An Act respecting the Municipal Institutions of Upper Canada."

petition therefor by majority of freeholders.

21. If a majority of the persons rated on the last assessment roll as freeholders in any portion of a municipality do petition the council of such municipality, expressing the desire of the petitioners to grant a bonus or donation to aid the company in the construction of said railway, and by their petition stating the bounds of the portion of the municipality within which the property of the petitioners is situate, and the amount they desire to grant and to be assessed therefor, the council of such municipality shall pass a by-law;

by law for amount to be raised by debentures,

(1.) For raising the amount so petitioned for by the freeholders in such portion of the municipality, by the issue of debentures of the municipality, payable within twenty years or earlier, and for the payment to the company of the amount of said bonus or donation, at the time and on the terms specified in the said petition;

assessment for repayment and sinking fund.

(2.) For assessing and levying upon all the ratable property lying within the section defined by the said petition, an annual special rate, sufficient to include a sinking fund for the repayment of such debentures, with interest thereon; Provided always, that such by-law shall be approved by a majority of qualified municipal electors in the portion of the municipality petitioning as aforesaid, pursuant to the provisions of the Municipal Act hereinbefore mentioned.

Debentures to be held by trustees.

22. When any municipality, or any portion of a municipality, shall grant a bonus or authorize the issue of municipal bonds or debentures to the company to aid in the construction or equipment of said railway, the debentures for such bonus or such bonds shall, within six weeks after the passing of the by-law authorizing the same, be delivered to three trustees, to be appointed, one by the Governor-in-Council, one by the reeves or heads of the municipal corporations granting such bonuses or issuing such bonds, or a majority of them, and one by the company; Provided, that if within one month from the notice to him in writing of the appointment of two trustees, the Lieutenant-Governor in Council shall neglect to appoint a trustee, the company shall instead appoint such trustee; Provided also, that the trustees by the said reeves or heads of municipal

How trustees appointed.

municipal corporations to be appointed shall be chosen by a vote of the majority of them, at a meeting to be held for that purpose, at such time and place as the company shall direct, notice of which shall be sent by mail to each head of a municipal corporation entitled to vote in the election of a trustee, at least fourteen days before the day appointed, and if the said reeves or heads of municipal corporations shall neglect to appoint a trustee, the power to appoint such trustee shall vest in the company.

23. Any municipal corporation which shall aid the company by grant of a bonus or otherwise, may, before the debentures or bonds for such aid shall be delivered to the said trustees, require from the directors for the time being, an agreement which shall specify the stipulations and conditions under which the monies arising from the sale of the debentures or bonds issued by such corporation shall be applicable for the purposes of the railway; and when the said monies shall become payable pursuant to such agreement the same shall be paid by the trustees to the company upon the certificate of the chief engineer of the railway in the form of Schedule B of this Act, and the wrongfully granting any such certificate by such engineer shall be a misdemeanor punishable by fine and imprisonment by any court of competent jurisdiction.

Municipalities
may stipulate
for agreement.

24. The act of any two trustees shall be as valid and binding as if three had agreed.

Act of two
trustees to be
binding.

25. Any trustee appointed may be removed at any time and in his stead a new trustee appointed by the consent of the Lieutenant-Governor in Council, a majority of the said reeves or heads of municipal corporations, and the said company.

How new trust-
ees to be ap-
pointed.

26. The trustees shall receive the said debentures or bonds in trust: firstly, to deposit the same, and the interest thereon from time to time accruing before the sale thereof, in any chartered bank having an office in the City of Kingston, in the name of "The Kingston and Madoc Railway Municipal Trust Fund Account," and upon notice to them to be given by the company not more than six weeks before the completion of the work to which the proceeds of any particular bonds or debentures shall be applicable, to convert such particular securities into money; secondly, to deposit the proceeds of such securities in the name of said account, and to pay the same to the company upon the certificate of the chief engineer, and such certificate shall be attached to the cheques drawn by the trustees; and thirdly, in the event of the non-fulfilment of the agreement entered into between the company and any municipal corporation within the time limited, to return the said securities to such corporation; Provided that the company, if it so elect, having given notice of such its election, may upon the completion of any work in respect of which any bonds or debentures

The trusts on
which they
hold debentures.

debentures shall be applicable, demand and receive the said bonds or debentures from the trustees in lieu of the proceeds thereof.

Company
may become
parties to pro-
missory notes,
etc.

27. The company shall have power to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars; and every such promissory note and bill of exchange drawn or accepted or endorsed by the president or vice-president, and countersigned by the secretary and treasurer of the company, shall be binding on the company; and the president, vice-president, or the secretary or treasurer, shall not be individually responsible for the same, unless the promissory note, or bill of exchange shall have been issued without the sanction of the board of directors.

Issue of
bonds, &c.

Effect of bonds

Proviso.

28. The directors for the time being shall have authority to execute and issue all such bonds, debentures, mortgages or other securities as to them shall from time to time seem expedient for raising the necessary capital authorized to be raised by the company, or any part thereof; and all such bonds, debentures or other securities shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking, and the property of the company, real and personal, and then existing and at any time thereafter acquired; and each holder of the said securities shall be deemed a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon all property of the company as aforesaid; Provided, that the portion of the capital to be raised by bonds, debentures or mortgages, shall not exceed at any time the amount of the then actual paid up capital stock of the company, together with any bonus or bonuses granted to the company, actually expended upon the railway; Provided also, that the company may issue bonds or debentures for any sum hereby authorized, in such manner and form as to constitute the same a first mortgage or hypothec of and upon any portion of the said railway.

If interest on
bonds unpaid,
holders may
vote as share-
holders.

Proviso.

29. If the interest upon any bond, mortgage, debenture, or other security issued by the company, not guaranteed or endorsed by a Municipal corporation, shall be owing and unpaid at the time of any general annual meeting of the company, all holders of such securities shall have all the rights, powers and qualifications of shareholders, either to elect or to be elected directors, or to exercise any other powers of shareholders, and the number of votes to which any holder of such security shall be entitled, shall be computed as if such person held the amount of such security in capital stock of the company: Provided, that the holder of any such security hereby authorized to exercise the rights and powers of a shareholder, and intending so to do, shall, two weeks before any general meeting of the company, give notice to the secretary of the amount of such security, the interest due thereon, and his or her name and place of residence.

30. All bonds, debentures, mortgages and other securities issued by the company, shall be executed by the president of the company for the time being, and countersigned by the Secretary, and may be made payable to bearer: and all such bonds debentures, mortgages and other securities issued by the company, and all dividends and interest warrants or coupons thereon respectively, which shall purport to be payable to bearer, shall be assignable at law by delivery, and may be sued on and enforced by the respective bearers and owners thereof for the time being, in their own names. Mode of issue.

31. The publication of any notice required by "The Railway Act," or this Act, shall, unless otherwise provided by this Act, be sufficiently made by two publications of the same in a newspaper within the City of Kingston, and the County of Hastings, and in the *Ontario Gazette*; and the said *Ontario Gazette* shall, on production thereof, be conclusive evidence of the sufficiency of such notice. Publication of notices.

32. Conveyances of lands to the company may be made in the form set out in Schedule A of this Act, and shall be registered in the manner and upon the proof required under the "Registration of Titles (Ontario) Act," and no registrar shall be entitled to more than fifty cents for such registration together with all entries and certificates in respect of every such conveyance and the duplicate thereof. Conveyances.

33. The said railway shall be commenced within one year and be completed within three years from the passing of this Act; and in the event of the non-completion of the said railway within the time limited, the charter, powers and privileges of the company shall be forfeited. Duration of charter.

SCHEDULE A.

Know all men by these presents that I, (*insert the name of the wife also, if she is to release her dower, or for any other purpose to join the conveyance,*) in consideration of

paid to me (or as the case may be) by The Kingston and Madoc Railway Company, the receipt whereof is hereby acknowledged, do hereby grant, sell, and confirm unto The Kingston and Madoc Railway Company, their successors and assigns, all th certain parcel of land being and composed of (*describe the land,*) to have and to hold the said land and premises, together with everything appertaining thereto to the said The Kingston and Madoc Railway Company, their successors and assigns for ever, (*if dower released, add*) and I (*name the wife,*) release my dower in the premises.

Witness

Witness hand and seal this day of
 one thousand eight hundred and

Signed, Sealed and deliv- } A. B. [L.S.]
 ered in presence of }
 E. F. } C. D. [L.S.]

SCHEDULE B.

Chief Engineer's Certificate.

KINGSTON AND MADOC RAILWAY COMPANY'S OFFICE, }
 Engineer's Department, Kingston, 186 }

No.....

Certificate to be attached to cheques drawn on "The Kingston and Madoc Railway Municipal Trust Fund Account," given under Section of Cap. 33 Vic.

I, A. B., Chief Engineer for the Kingston and Madoc Railway Company, do hereby certify that the said Company has fulfilled the terms and conditions specified in the agreement dated the day of , between the Corporation of and the said Company, that is to say, *(here set out the terms and conditions which have been fulfilled)*, and that pursuant to said agreement the said Company is intitled to receive from the said Trust the sum of

Chief Engineer.

CAP. XXXVIII.

An Act to legalize the Amalgamation of the Cobourg and Peterborough Railway Company, and the Marmora Iron Company, and for other purposes.

[Assented to 24th December, 1869.]

Preamble.

WHEREAS doubts have arisen as to the validity of the amalgamation of the Cobourg and Peterborough Railway Company, and the Marmora Iron Company, and as to the validity of the deeds effecting such amalgamation, and as to the validity of certain mortgages made by the Cobourg Peterborough and Marmora Railway and Mining Company, and as to other matters done under the said acts and deeds, and it is desirable

sirable to remove such doubts, and to grant certain powers to the said last mentioned Company, and to amend the Acts incorporating the same : Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The amalgamation of the Cobourg and Peterborough Railway Company, and the Marmora Iron Company, the deed of union entered into between the said companies, which has been duly registered according to law, as altered by the deed of condition to the said deed of union, and the said deed of condition, which is Schedule A to this Act, are hereby declared to be valid and binding. Confirmation of amalgamation of the C. and P. R. Co. and the M. I. Co.
2. Upon payment of the residue of the money required to be paid into the Court of Chancery by the Act of the late Province of Canada, passed in the twenty-ninth year of Her Majesty's reign, chapter seventy-nine, the new preferential stock subscribed in the Cobourg and Peterborough Railway Company, for the purpose of effecting the said amalgamation, shall be taken and held to be paid up stock of the Cobourg Peterborough and Marmora Railway and Mining Company, and the subscribers thereof shall be taken to have complied with the terms of the said deed of condition. When new preferential stock in C. and P. R. Co. is to be deemed paid up stock of the C. P. and M. Co.
3. The mortgages created by the last mentioned Company, and the bonds issued thereunder, are hereby declared to be valid, and to be a charge upon all the properties of the said last mentioned company for the sum of one hundred and thirty-seven thousand three hundred and ten dollars and ninety-nine cents of lawful money of the United States, with interest from the first day of July last at the rate of eight per centum per annum, in like lawful money; and the directors of the said last mentioned company shall issue debentures of the said company for the said amount, payable in not less than five years from the first day of January next, with interest thereon at the said rate, payable half-yearly, in lawful money of the United States, at such place as the said directors may appoint : which debentures so to be issued shall be in lieu of the said mortgages and bonds. Certain mortgages and bonds of C. P. and M. Co. declared valid. Debentures may be issued therefor.
4. The said directors shall have power to issue, for the purposes of the said Company, a further amount of debentures of the said company, not exceeding in the whole, including the before mentioned debentures, the sum of two hundred thousand dollars, of lawful money of the United States, payable at the same time and place, and in the same manner, and with the same rate of interest as the before mentioned debentures : all which said debentures to be issued under this Act shall be a charge upon all the properties of the said company, without preference or priority of any one debenture over any other debenture. Company may issue additional debentures.

Annual meet-
ing.

Whomay vote.

Claims of
bondholders of
the C. and P.
R. Co. not
affected.

5. After the next annual general meeting of shareholders of the said company, the time for the holding of each such annual general meeting shall be the second Wednesday in July in each year; and at every meeting of shareholders each shareholder, except a municipality, shall be entitled to one vote for each share held by such shareholder in the said company.

6. Nothing in this Act contained shall affect or prejudice the claim, if any, of any bondholder or mortgagee of the Cobourg and Peterborough Railway Company, as it stood on the first day of September last, but that such claim shall stand as if this Act had not been passed.

SCHEDULE A.

THIS INDENTURE, made as a condition upon which the deed of amalgamation is executed at this date between the Cobourg and Peterborough Railway Company, of the first part, and the Marmora Iron Company of the second part. It is agreed between them and Thomas Blair, of Pittsburgh, Esquire, representing the American capitalists, and Edward Burstall, of Quebec, Esquire :—

1. The connection with Peterborough, and the construction of the Rice Lake embankment and bridge, shall not be deemed compulsory on the new company, but shall be wholly in the discretion of the directors of the new company as to when, how, and with what funds such construction shall be made.

2. Mr. Blair and his associates subscribing the preferred stock (say four hundred and thirty thousand dollars (\$430,000), being all such subscribed preferred stock, except one hundred and seventy thousand dollars (\$170,000) taken by Mr. Burstall), shall receive dividends on the whole amount of stock subscribed by them *pari passu* with the other preferred stock, from the date of the amalgamation; it being expressly understood and provided that Mr. Blair and his associates shall only be liable to pay upon their said stock subscriptions sufficient to meet the creditors' lien of one hundred thousand dollars (\$100,000) on the property of the Cobourg and Peterborough Railway Company; also thirty thousand dollars (\$30,000) to Mr. Burstall, part of the consideration for lands this day conveyed to the new company, and such further sum as may be necessary to do the work for making the Marmora connection, and for the development of the said lands and mines therein, as contemplated by the prospectus, unless they shall deem it judicious to further prosecute the work.

3. All parties hereto agree to assist in obtaining any Legislative confirmation of the agreement, which may be considered,
and

and also to make the existing enactment, respecting the new company, consistent with this agreement, and otherwise to assist the same as may be thought proper.

4. This agreement shall be referred to in and as a part of the stock subscription made by Mr. Blair and his associates.

In witness whereof the parties aforesaid have hereunto set their hands and seals this twenty-eighth day of December, A. D. 1866.

Signed, sealed and delivered	}	(Signed)	
in presence of			
(Sg'd) JOHN BELL,			JOHN BEATTY, [Seal.]
(Sg'd) JAS. L. ANGLE,			<i>Pres't Co. P. Railway Co'y.</i>
(Sg'd) J. H. DUMBLE.			

(Signed) EDWARD BURSTALL, [Seal.]
President Marmora Iron Company.

(Signed) EDWARD BURSTALL, [Seal.]

(Signed) THOMAS S. BLAIR, [Seal.]
For self and Associates.

CAP. XXXIX.

An Act amending the Acts relating to the Port Whitby and Port Perry Railway Company.

[Assented to 24th December, 1869.]

WHEREAS the Port Whitby and Port Perry Railway Com- Preamble.
pany have petitioned that the Act of the Legislature of Ontario, passed in the session held in the thirty-first year of Her Majesty's reign intituled "An Act to incorporate the Port Whitby and Port Perry Railway Company," and also an Act amending the same, passed in the session held in the thirty-second year of Her Majesty's reign, be amended, authorizing county corporations to aid and assist more effectually the construction and equipment of their railway, and also in declaring the validity of certain by-laws passed by the municipalities adjacent to and through which the line of railway passes donating aid to said railway company; and whereas it is expedient that the said Act should be amended according to the prayer of their petition: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall and may be lawful for the corporation of Municipalities
any

may grant aid
to railway.

any county through which the line of railway may pass to subscribe for any number of shares in the capital stock of the company, or grant the said railway company such sums of money or debentures as may by the said municipal corporations be thought advisable, in the way of bonus, or donation, or lend to or guarantee the payment of any sum of money borrowed by the company from any corporation or person, or endorse or guarantee the payment of any debenture to be issued by the company for the money by them borrowed, without complying with the provisions of sections number seventy-seven of the Railway Act, and number three hundred and forty-nine and subsections thereof of the Municipal Act; Provided always that any aid so granted and liability incurred under this section by any county municipality shall not exceed the sum of twenty thousand dollars (\$20,000), to be applied by the railway company exclusively for the purchase of rolling stock and equipment of the railway.

Certain by-
laws confirm-
ed.

2. By-law number one hundred and fifty-eight, of the town of Whitby, granting fifty thousand dollars bonus to the company, and by-law number one hundred and seventy-two, of the said town of Whitby, for ten thousand dollars stock in said company, and by-law number three hundred and sixty, of the township of Whitby, granting fifteen thousand dollars bonus to the company, and by-law number four hundred and forty-eight, of the township of Reach, granting forty thousand dollars bonus to said company, and by-law number one hundred and forty-nine of the township of Scugog, granting two thousand dollars bonus to the company, all which by-laws have been duly voted on by the ratepayers, are hereby declared legal and valid, and all debentures issued, or to be issued thereunder, shall be, and are hereby declared to be good, valid and legal securities to the amount thereof respectively.

32 Vic., ch. 60,
s. 4, amended.

3. The words "except clause seventeen thereof" in the third line of section four of chapter sixty of the Act passed in the session held in the thirty-second year of the reign of Her Majesty be and the same are hereby repealed and struck out of said section four.

Bonuses to be
held by trust-
tees.

4. Whenever bonds debentures or other securities are issued by any municipal corporation in aid of the said company, to continue and extend their railway, or the construction of a branch of such railway to the village of Uxbridge, under the authority and powers of said amended Act, and of this Act, by way of bonus or gift, such bonds debentures or securities shall, within six weeks after the passing of the by-law authorizing the same, be delivered to the trustees to be named, one by the Lieutenant-Governor in Council, one by the said company and one by the reeves or heads of the municipal corporations granting such bonuses or issuing such bonds to aid and assist such extension of their railway, or the construction of said branch
to

How trustees
appointed.

to Uxbridge; Provided that if the Lieutenant-Governor in Council shall refuse or neglect to name such trustee within six weeks after he shall have been duly notified of the appointment of the other two trustees, the said company shall be at liberty to name one in the place of the one to have been named by the Lieutenant-Governor in Council; Provided also, that the said reeves or heads of municipal corporations shall appoint the said trustee to be appointed by them, by the vote of a majority of them who shall attend the meeting for that purpose, to be held at such time and place as the said company may appoint for that purpose, notice of which shall be sent to each of them by mail at least fourteen days before the day appointed, and if they fail or neglect to name such trustee, the said company shall be at liberty to name one in the place of the trustee to have been named by them; and any trustee appointed may be removed, and a new trustee appointed in his place, at any time, by the consent of the Lieutenant-Governor in Council.

5. The said trustees shall receive the said bonds, debentures or other securities, and any coupons or interest warrants attached thereto in trust, and shall place the same in the custody of one of the chartered banks of Canada, to be designated by them, and shall not withdraw, cancel, control or in anywise dispose of the said bonds, debentures, securities, coupons or interest warrants, or any of them respectively, unless and except upon and under the circumstances and conditions following, that is to say:—

Trusts on which debentures are to be held.

Firstly. When and as any of the moneys payable under the said bonds, debentures, securities, coupons or interest warrants respectively become due, it shall be lawful for the said trustees from time to time to withdraw from the custody of the said bank such of the said debentures, coupons or interest warrants respectively, as according to the tenor and effect thereof may be requisite for duly presenting and obtaining payment thereof, and shall forthwith, after such presentation, and in so far as the said bonds, debentures, securities, coupons or interest warrants may not have been paid, return the same into the custody of the bank aforesaid, and shall from time to time, and as and when any such moneys are received, deposit the same in the bank aforesaid to the credit of a special account, to be termed "The Port Whitby and Port Perry Railway Municipal Account," which account shall further clearly state and show the particular bonds, debentures or securities, in respect of which the said moneys have been received, and in such account the moneys received in respect of the bonds, debentures or securities from each municipal corporation shall be kept separate and distinct from those received from any other of the said municipal corporations.

Secondly. It shall be lawful for each of the municipal corporations who may pass by-laws to aid the said railway company to require from the directors on behalf of the said railway company,

pany, and before the bonds, debentures or other securities for such aid are delivered to the said trustees, an agreement setting forth and specifying the stipulations and conditions under which the bonds, debentures or other securities granted by such municipal corporation, and all moneys payable in respect thereof, or of the interest thereon, shall from time to time become applicable for the purposes of the said railway; and when and as the said bonds, debentures or other securities, or any of them, or any moneys received on account thereof, or of the interest thereon, according to the terms of the said agreement, become deliverable or payable to the said railway company, the same shall from time to time be delivered or paid, as the case may be, by the said trustees upon the certificate of the chief engineer of the said railway company in form set out in Schedule A. to this Act, or to the like effect.

Thirdly. In the event of the said railway company not completing the said railway to the extent mentioned, or by the time required under the terms of its agreement with any municipal corporation, it shall be the duty of the said trustees to return such municipal corporation the bonds, debentures or securities received from it, and any moneys received in the meantime in respect thereof, or of the interest thereon, or such of the said bonds, debentures, securities or moneys as shall not have been delivered or paid to the said railway company under the terms of the said agreement, and any bonds, debentures or securities so returned shall be forthwith cancelled; and it is further provided that the Act of any two of the said trustees shall be as valid and binding as if the three had agreed thereto.

SCHEDULE A.

PORT WHITBY AND PORT PERRY RAILWAY Co.'s OFFICE.

Engineer's Department.

CHIEF ENGINEER'S CERTIFICATE.

No.

Certificate in the Port Whitby and Port Perry Railway Municipal Trust Account, given under section of Act 33 Victoria, Cap.

I (A. B.), Chief Engineer for said Railway Company, do hereby certify that the said Company hath performed and fulfilled the following terms and conditions specified and set forth in the agreement, dated the day of between the Corporation of and the said Company, that is to say :

(Here set out clearly the terms and conditions which have been fulfilled.)

CAP.

CAP. XL.

An Act to amend the Act to Incorporate the Peterborough and Haliburton Railway Company.

[Assented to 24th December, 1869.]

WHEREAS the Peterborough and Haliburton Railway Company have petitioned that the Act of the Legislature of Ontario passed in the thirty-second year of Her Majesty's reign, entitled "An Act to incorporate the Peterborough and Haliburton Railway Company" be amended in the manner hereinafter provided, and it is expedient to grant the prayer of the said petition; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. So much of the eleventh section of the said recited Act as provides for the appointment of one of the three trustees therein mentioned, by the warden of the county of Peterborough, the Reeves of the townships of Harvey, Galway, Snowdon and Dysart, and the Mayors of Peterborough and Port Hope, is hereby repealed, and in lieu thereof it is hereby enacted that such one of the said trustees shall be named by the persons being the respective municipal heads, or presiding officer of the municipal corporations respectively, which have passed or may pass by-laws respectively, for granting a bonus in aid of the said company; and the said trustees to be named shall be appointed by a vote of the majority of the said persons hereby authorized to make such appointment, who shall attend the meeting for that purpose, to be held at such time and place as the provisional or other directors of the said company may appoint; notice of which shall be sent by the secretary of the company to each of the said above-mentioned persons by mail, and to be posted at least fourteen days before the day appointed for the said meeting, and if they then fail or neglect to name such trustee, the provisional or other directors of the said company shall be at liberty to name one in the place of the trustee to have been named by said above-mentioned persons.

Preamble.

32 Vic., ch. 61, s. 11, amended.

Appointment of trustees to hold debentures.

Notice of meeting for appointing trustees.

2. The twelfth section of the said recited Act is hereby repealed, and the following enacted instead thereof: "The said trustees shall receive the said debentures and any coupons or interest warrants attached thereto in trust, and shall place the same in the custody of some one of the chartered banks of Canada, having an office in the town of Peterborough; and shall not withdraw, cancel, convert, or in anywise dispose of the said debentures, coupons, or interest warrants or any of them respectively, unless and except upon and under the circumstances and conditions following, that is to say,

32 Vic., ch. 61, s. 12, amended.

Duties of trustees as to debentures, etc.

Withdrawing debentures, etc., from the bank, to obtain payment.

Firstly. When and as any of the said moneys payable under the said debentures, coupons, or interest warrants respectively become due, it shall be lawful for the said trustees from time to time to withdraw from the custody of the said bank, such of the said debentures, coupons or interest warrants respectively, as according to the tenor and effect thereof may be requisite for duly presenting and obtaining payment thereof; and shall forthwith after such presentation and in so far as the said debentures, coupons or interest warrants may not have been paid, return the same into the custody of the bank aforesaid, and shall from time to time as and when any such moneys are received, deposit the same in the bank aforesaid to the credit of a special account, to be termed "The Peterborough and Haliburton Railway Municipal Trust Account;" which account shall further clearly state and shew the particular debentures in respect of which the said moneys have been received, and in such account the moneys received in respect of the debentures from each municipal corporation, shall be kept separate and distinct from those received from any other of the said municipal corporations.

Depositing moneys.

What particulars the bank account must show.

Delivery to company of municipal debentures, etc.

Secondly. It shall be lawful for each of the said municipal corporations who have passed or may pass a by-law to aid or assist the said railway company, to require from the provisional or other directors on behalf of the said railway company, and before the debentures for such aid are delivered to the said three trustees, an agreement setting forth and specifying the stipulations and conditions under which the debentures granted by such municipal corporation, and all moneys payable in respect thereof or of the interest thereon, shall from time to time become applicable for the purposes of the said railway; and when and as the said debentures, or any of them, or any moneys received on account thereof, or of the interest thereon according to the terms of the said agreement become deliverable and payable to the railway company, the same shall, from time to time be delivered or paid, as the case may be, by the said trustees upon the certificate of the chief engineer of the railway company, in the form set out in schedule B to this amended Act or to the like effect, and to be given in duplicate, one being for the said trustees and the other for the said municipal corporations: and the wrongfully granting of any such certificate by such engineer without the terms or conditions on which the same should under the said agreement have been granted, being performed or fulfilled, shall be punished by a fine not exceeding two thousand dollars, or in failure of the payment thereof, to be imprisoned for a period not exceeding one year.

If railway not completed according to its agreement, debentures and money to be returned.

Thirdly. In the event of the railway company not completing the said railway to the extent mentioned, or by the time required or according to the terms imposed under its agreement with any municipal corporation, it shall be the duty of the said trustees to return to such municipal corporation the debentures received from it, and any moneys received in the meantime in respect

respect thereof or of the interest thereon, or such of the said debentures or moneys as shall not have been delivered or paid to the railway company under the said agreement, and any debentures so returned shall be forthwith cancelled; and it is further provided that the act of any two of the said trustees shall be as valid and binding as if the three had agreed thereto.

Act of two trustees to be binding.

3. Instead of Schedule B to the said recited Act it is enacted that Schedule B hereto shall be substituted therefor.

32 Vic., ch. 61, sch. B, amended.

4. The by-law voted upon by the ratepayers of the municipality of the united townships of Dysart, Guilford, Dudley, Harburn, Harcourt and Bruton, on the nineteenth day of August now last past, a true copy of which appears in schedule C to this Act, and the debentures thereby authorized to be issued is hereby declared legal and valid, subject, however, before any debentures may be issued thereunder, to such agreement as under the provisions hereinbefore in this Act mentioned may be entered into between the corporation of the said united townships of Dysart, Guilford, Dudley, Harburn, Harcourt and Bruton, and the Peterborough and Haliburton Railway Company.

A certain by-law and debentures confirmed.

5. All by-laws which may hereafter be passed, granting aid to the said company, by which by-laws respectively provision for the payment of the debt created by such by-laws respectively is made, according to a similar principle to that appearing in the said by-law, confirmed by the last preceding section or to a like purport or effect, and any debentures issued under such by-laws respectively, shall be legal and valid, subject, however, before any debentures may be issued thereunder respectively, to such agreement as may be entered into between the respective municipal corporations passing the same and the said company; Provided always that such by-laws have been respectively passed, and are in other respects in conformity with the provisions of the Act respecting municipal institutions for the creation of debts; Provided also that the amount required to be raised in any one year under such by-law does not require the levying of a greater rate than two cents on the dollar in any one year on the assessment of such municipality, according to the then last revised assessment roll of such municipality.

Certain by-laws and debentures to be valid.

6. Notwithstanding the provisions of an Act passed in the twenty-fourth year of Her Majesty's reign, and intituled "An Act to consolidate the debt of the town of Peterborough, and to authorize the issue of debentures on the security of town property, and for other purposes," it is hereby enacted that the corporation of the said town of Peterborough may, for the purpose of aiding in the construction of said railway in any or all of the ways provided in its charter of incorporation or amendments thereto, issue debentures under the said in part recited Act, to the extent of twenty-five thousand dollars, and such debentures

Town of Peterborough may aid railway to the extent of \$25,000,

provided the
by-law is as-
sented to by
the electors.

debentures or any portion thereof so issued, shall be subject to the same provisions as those authorized under the said recited Act: Provided always that the corporation of the said town of Peterborough shall not issue any debentures under this Act, until a by-law or by-laws have been submitted to, and received the assent of a majority of the duly qualified votes of those voting thereon, in conformity with the provisions of the Municipal Institutions Act of one thousand eight hundred and sixty-six, and furthermore, that the debentures hereby authorized shall be issued for the purposes of the said railway and no other.

If a portion of
the municipi-
pality desire to
aid, council to
pass a by-law,

7. In case a majority of the persons rated on the last assessment roll as freeholders in any portion of a municipality do petition the council of such municipality, defining the metes and bounds of the section of the municipality within which the property of the petitioners is situated, and expressing the desire of the said petitioners to aid in the construction of the said railway by granting a bonus or donation to the said company for this purpose, and stating the amount which they so desire to give and grant and to be assessed therefor, the council of such municipality shall pass a by-law:

for issuing de-
bentures,

(1.) For raising the amount so petitioned for by the freeholders in such portion of the municipality, by the issue of debentures of the municipality, payable within twenty years or earlier, and for the payment to the said company of the amount of the said bonus or donation at the time and on the terms specified in the said petition.

for assessing
and levying
rate.

(2.) For assessing and levying upon all the ratable property lying within the section defined by the said petition, an annual special rate sufficient to include a sinking fund for the repayment of debentures, with the interest thereon, which municipal councils are hereby authorized to execute and issue in such cases respectively;

By-law to be
approved by
electors.

Provided the said by-law shall be approved of as in sections two hundred and twenty-six, two hundred and twenty-seven and two hundred and twenty-eight of the Municipal Act of one thousand eight hundred and sixty-six, chaptered fifty-one, by the majority of qualified electors in the portion of a municipality petitioning as aforesaid.

Municipalities
may aid by
a special rate.

8. Any municipality, or any part thereof, may also assist the said company by granting by way of bonus the proceeds realized by a special uniform rate per year on the ratable property of such municipality, or part thereof, for an agreed number of years, not exceeding in all a period of twenty years, in lieu of one sum, or by issuing debentures, or the creation of a debt, and may pass by-laws for granting aid by a special rate in the same manner as is hereinbefore provided, with respect to the

the by-laws in aid of said Company; which by-laws must be subject to the confirmation of the ratepayers, according to the provisions of the Act respecting municipal institutions.

SCHEDULE B.

CHIEF ENGINEER'S CERTIFICATE IN DUPLICATE.

PETERBOROUGH AND HALIBURTON RAILWAY COMPANY'S OFFICE.

ENGINEER'S DEPARTMENT.

PETERBOROUGH, A.D. 18

*Certificate on the Peterborough and Haliburton Railway
Municipal Trust Account, given under Section two, of Act
Victoria Chap.*

I (A. B.), Chief Engineer for the said Railway Company, do hereby certify that the said Company hath performed and fulfilled the following terms and conditions specified and set forth in the agreement dated the day of between the corporation of and the said Company, that is to say (*here set out clearly the terms and conditions which have been fulfilled*) and that under the said agreement, and in accordance therewith, the said Railway Company is now entitled to receive from the said Trust the sum of \$ in the debentures of the said Municipal Corporation, together with their relative coupons and interest warrants, or any moneys heretofore received by the said Trust, in payment of the said coupons or interest warrants, or of the said debentures respectively.

SCHEDULE C.

BY-LAW No.--

A By-Law to aid and assist the Peterborough and Haliburton Railway Company, by giving twenty-five thousand dollars to the Company by way of bonus, and to issue debentures therefor, and to authorize the levying of such a rate as will pay the said debentures and the interest thereon.

WHEREAS by the Act of the second session of the Legislature of the Province of Ontario, passed in the thirty-second year of Her Majesty's reign, incorporating the Peterborough and Haliburton railway company, it is provided that "It shall further be lawful for any municipality or municipalities through any part

part of which, or near which the railway or works of the said company shall pass or be situated, or which may be benefited thereby, to aid and assist the said company by loaning, or guaranteeing, or giving money by way of bonus, or other means to the company, or issuing municipal bonds to or in aid of the company, and otherwise in such manner and to such extent as such municipalities or any of them shall think expedient; Provided always that no such aid, loan, bonus or guarantee shall be given, except after the passing of by-laws for the purpose, and the adoption of such by-laws by the ratepayers, as provided in the Railway Act :"

And whereas the municipality of the united townships of Dysart, Guilford, Dudley, Harburn, Harcourt and Bruton has determined to aid and assist the said Peterborough and Haliburton railway company, by giving thereto the sum of twenty-five thousand dollars by way of bonus, under the authority conferred by the said above recited Act :

And whereas to carry the last recited object into effect, it is necessary for the said municipality to issue debentures for the said sum of twenty-five thousand dollars, bearing interest at the rate of six per cent per annum, payable in the manner hereinafter provided :

And whereas the amount of the whole ratable property of the said Municipality, according to the last revised assessment roll of the said municipality, being for the year one thousand eight hundred and sixty-nine, was one hundred and thirty-five thousand six hundred and thirty-four dollars :

It is therefore enacted by the council of the corporation of the municipality of the united townships of Dysart, Guilford, Dudley, Harburn, Harcourt and Bruton, in the county of Peterborough and Province of Ontario :—

I. That it shall and may be lawful for the said municipality to aid and assist the Peterborough and Haliburton railway company, by giving thereto the sum of twenty-five thousand dollars.

II. That it shall be lawful, for the purposes aforesaid, for the Reeve of the said municipality to cause any number of debentures to be made for such sums of money as may be required for the said purpose, not less than twenty-five dollars each, and not exceeding in the whole the amount of twenty-five thousand dollars, which said debentures shall be sealed with the seal of the said municipality, and be signed by the Reeve and Treasurer thereof.

III. That the said debentures shall be made payable at the office of the Bank of Toronto, in the Town of Peterborough, and

and shall have attached to them coupons for the payment of interest at the rate and in the manner hereinafter mentioned ; such debentures being made payable for the following amounts at the following times, that is to say, on the thirtieth day of December in each of the following years there shall become due and be paid, namely :—

1871, five hundred dollars.

1872, six hundred and twenty-five dollars.

1873, seven hundred and fifty dollars.

1874, eight hundred and seventy-five dollars.

1875, one thousand dollars.

1876, one thousand dollars.

1877, eleven hundred and twenty-five dollars.

1878, eleven hundred and twenty-five dollars,

1879, twelve hundred dollars.

1880, twelve hundred and fifty dollars.

1881, thirteen hundred and seventy-five dollars.

1882, fourteen hundred and fifty dollars.

1883, fifteen hundred and twenty-five dollars.

1884, sixteen hundred and twenty-five dollars.

1885, seventeen hundred and twenty-five dollars.

1886, eighteen hundred and fifty dollars.

1887, nineteen hundred and fifty dollars.

1888, two thousand dollars.

1889, two thousand and fifty dollars.

Making in all the sum of twenty-five thousand dollars.

IV. That the said debentures shall bear interest at and after the rate of six per cent. per annum, from the date thereof, which interest shall be payable half yearly on the thirtieth days of June and December in each year at the Bank of Toronto in the said town of Peterborough.

V. That for the purpose of paying the said debentures and the interest thereon as aforesaid, there shall be raised, levied, and collected a special rate in each year in addition to all other rates, upon all the ratable property in the said municipality, during the said term of twenty years from the coming into effect of this by-law, unless such debentures shall be sooner paid, and such rate shall be sufficient to pay the debentures falling due and all interest on the then outstanding debentures hereby authorized to be issued falling due within the year for which such rate is levied.

VI. That this by-law shall take effect on, from and after the thirtieth day of December, one thousand eight hundred and sixty-nine.

VII. That the debentures to be signed and sealed as aforesaid, shall be delivered by the reeve of the municipality to the trustees appointed (or to be appointed) in accordance with the
eleventh

eleventh section of the Act incorporating the Peterborough and Haliburton Railway Company.

VIII. And it is further enacted by the municipal council aforesaid, that the votes of the electors of the said municipality will be taken on the proposed by-law at the following place, that is to say at the school-house in the village of Haliburton, on the 19th day of August, A. D. 1869, commencing at the hour of nine o'clock in the forenoon and closing at five o'clock in the afternoon of the same day, and that the following person shall be returning officer for taking the said votes, namely, James R. Erskine, clerk of the said municipality.

CAP. XII.

An Act to amend the Act passed in the Session held in the thirty-first year of Her Majesty's Reign, chaptered forty, intituled an Act to Incorporate the Toronto Grey and Bruce Railway Company, and the Act passed in the Session held in the thirty-second year of Her Majesty's Reign, chaptered eighty-two, amending the same.

[Assented to 24th December, 1869.]

Preamble.

WHEREAS the Toronto Grey and Bruce Railway Company have prayed for certain amendments of their charter, and for an extension of the powers conferred upon them thereby; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

How the Company may expend certain bonuses.

1. The said company may expend the bonuses in aid of the said company, granted by the Corporation of the City of Toronto, and granted, or hereafter to be granted by any municipality, through or near which the said railway is to pass, between the City of Toronto and the villages of Mount Forest or Arthur, or a point on the town line between the townships of Arthur and Luther, in the construction of the said railway, from a point on the Grand Trunk Railway, at or near the village of Weston, to the village of Mount Forest, or the village of Arthur, or a point on the Garafraxa Road between the same, or a point on the town line between the townships of Luther and Arthur (less such amount as may be required to be expended between Weston and Toronto), the same to be expended *pro rata* upon each mile of the said portion of the said railway.

2. Section seven of the said Act chaptered eighty-two is hereby repealed, and the two following sections are hereby substituted therefor.

3. The said company may build any part of their said railway to the west or north-west of the township of Arthur or village of Mount Forest, or the said town line between the said townships of Luther and Arthur by sections.

Provision as to place of construction of part of railway.

4. Any municipality or county municipality, to the west or north-west of the township of Arthur or village of Mount Forest, or the said town line between the townships of Luther and Arthur, which shall grant a bonus in aid of the said railway, shall be at liberty to grant the same, for the purpose of aiding in the construction and equipment of any such section of the said railway, as such municipality shall deem expedient; provided that the section, for which the same is granted, be declared by resolution of the Council of any such Municipality, a copy of which resolution shall be handed to the trustees appointed under the said Act, chaptered forty, at the time of the delivery to them of the debentures issued for such bonus; and no such bonus shall be applied or used in the construction of any other section than that for which the same may be granted.

Powers of certain municipalities as to bonuses.

5. In case the majority of the persons rated on the last Assessment Roll as freeholders, as may be qualified voters under the Municipal Act, in any portion of a Municipality, do petition the Council of such Municipality to pass a by-law as hereinafter set out, such petition to define the metes and bounds of the section of the Municipality within which the property of the petitioners is situated, or in the case of a County Municipality the majority of the Reeves and Deputy Reeves for those townships that may be asked to grant a bonus, do petition the Council of such County Municipality to pass a by-law as hereinafter set out, and in such petition do define the townships for which they are respectively the Reeves and Deputy Reeves, and expressing the desire of the said petitioners to aid in the construction of the said railway, by granting a bonus to the said company for this purpose, and stating the amount which they so desire to grant and to be assessed therefor, the Council of such municipality shall pass a by-law, provided the said by-law shall be approved of by the majority of the qualified voters in the portion of the municipality petitioning as aforesaid, in the manner required by the Municipal Act.

Provision as to by-laws,

(1). For raising the amount so petitioned for by such freeholders, or such Reeves and Deputy Reeves, in such portion of the Municipality, by the issue of debentures of the Municipality, payable in twenty years, and for the delivery to the said trustees of the debentures for the amount of said bonus at the times and on the terms specified in said petition;

to issue debentures for bonuses,

(2.)

to impose a rate for repayment.

(2). For assessing and levying upon all the ratable property lying within the section defined by said petition, an equal annual special rate, sufficient to include a sinking fund, for the repayment of the debentures with interest thereon, said interest to be payable yearly or half-yearly; which debentures the Municipal Councils, and the Wardens, Reeves and other officers thereof, are hereby authorized to execute and issue in such cases respectively.

Municipal and recited Acts to apply to bonuses and by-laws.

6. The provisions of the Municipal Acts, and of the said recited Acts chaptered forty and eighty-two, and of this Act, as to the bonuses granted by any municipality, and the by-laws for granting the same, shall apply to any bonus so granted, or by-law so passed by or for a portion of a Municipality.

County Council may exchange County Debentures for those issued by Townships.

7. That any County in which are situated a Township or Townships that have granted or hereafter may grant a bonus or bonuses in aid of the said Railway Company, shall be at liberty to take the debentures issued by such Township or Townships, and in exchange therefor to hand over to the Trustees under said Railway Act the debentures of the County, on a resolution being passed to that effect by a majority of the County Council.

CAP. XLII.

An Act to amend the Act passed in the thirty-first year of the reign of Her Majesty, chaptered forty-one, intituled An Act to incorporate the Toronto and Nipissing Railway Company, and the Act amending the same, passed in the thirty-second year of the reign of Her Majesty, chaptered eighty-three.

[Assented to 24th December, 1869.]

Preamble.

WHEREAS the Toronto and Nipissing Railway Company have prayed for certain amendments of their charter, and for an extension of the favors conferred upon them thereby; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Amendment of 32 Vic. ch. 83, s. 6.

1 That the sixth section of the said Act thirty-two Victoria, chapter eighty-three, shall be amended by striking out the word "construction" and inserting the word "commencement" in lieu thereof.

Power to con-

2. That the said Company shall have power to build their said

said Railway by sections, the first section to commence at the city of Toronto and terminate at Uxbridge, or some point in the township of Reach, to be hereafter determined by a resolution of the board of directors of the company, the second section to commence at such point as may be so selected as the terminus of the said first section, and to terminate at some point on the Portage Road, or Victoria Road north-east of the Portage Road, in the township of Eldon, to be selected by the Directors of the said Company, and the third section to commence at the termination of the said second section and terminate at Cobocok.

struct Rail-
way by sec-
tions.

3 That the bonuses granted, or hereafter to be granted, towards the construction of the said Railway by the Townships of Scarboro, Markham, Uxbridge, Whitechurch, Scott and Reach, shall be wholly expended on the said first section.

Certain bon-
uses to be ex-
pended on first
section.

4. That the bonuses granted, or hereafter to be granted, by any municipality to the north or north-east of the terminus of the said first section, shall be expended on such section of the said road as the Council of the municipality granting such bonus shall determine, such determination to be communicated to the Trustees in writing, under the seal of the municipality, at the time of the delivery of the debentures for such bonus to the Trustees.

Certain bon-
uses to be ex-
pended on
road, as muni-
cipalities shall
direct.

5. That the fifth clause of the said Act thirty-two Victoria, chapter eighty-three, shall be amended by adding after the word "Brock" therein, the words "or in the Township of Reach."

Amendment
of 32 Vic.,
ch. 83, s. 5.

6. That in the event of the municipal authorities of the townships of Brock, Eldon, Bexley, Laxton, Digby, Longford, and Somerville not handing over to the Trustees the debentures to be issued under the several by-laws as voted on by the people in the said several Townships, before the first day of February next, under the terms of the said Acts, then the said company shall have power to construct a line of railway from the terminus of the said first section northwards *via* Lindsay to Lake Nipissing, or to any intermediate point that may hereafter be determined on by the said Company and the Lieutenant-Governor in Council.

Power given
to construct
main line *via*
Lindsay and
Fenelon Falls.

7. That the sum of twenty thousand dollars, part of the bonus granted by the city of Toronto, may be expended on the road between the station grounds in the city of Toronto, and a point on the Grand Trunk Railway in the township of Scarboro, where the said Toronto and Nipissing Road will join that of the Grand Trunk Railway.

\$20,000 of
bonus granted
by City of To-
ronto, may be
expended be-
tween Toronto
and Scarboro.

8. That a further sum of fifty thousand dollars, part of the said bonus granted by the City of Toronto, shall be expended on the construction and equipment of the road between said point

\$50,000 of
bonus granted
by City of
Toronto shall
be expended

between line of Grand Trunk in Scarboro and end of first section.

point on the line of the Grand Trunk Railway in Scarboro, and the terminus of the said first section.

\$30,000 of Toronto bonus may be expended on branch to Lindsay.

Proviso.

9. That the sum of thirty thousand dollars, part of the said bonus so granted by the City of Toronto, may be expended on said road between the end of the said first section and the town of Lindsay; Provided that in the event of the Municipalities interested in the line to Lindsay and the town of Lindsay not granting aid by bonuses to said railway to an amount sufficient to induce the said company to construct the said line to Lindsay, then the said company may expend the said sum of thirty thousand dollars towards the construction of their main line of railway.

Proviso in case debentures in s. 6 not handed over.

10. That in the event of the said municipal authorities of the said Townships of Brock, Eldon, Bexley, Laxton, Digby, Longford and Somerville not handing over to the Trustees the debentures as mentioned in the sixth clause of this Act, then the whole of the residue of the bonus so granted by the said City of Toronto, may be expended on the said road between the City of Toronto and the Town of Lindsay.

Proviso in case debentures in s. 6 are handed over.

11. That in the event of the Municipal Authorities of the said Townships of Brock, Eldon, Bexley, Laxton, Digby, Longford and Somerville handing over said debentures as mentioned in said sixth section of this Act, then the residue of said bonus so voted by the city of Toronto towards the construction of the said road, being the sum of fifty thousand dollars, shall be expended on the construction and equipment of the said road between the terminus of said first section and the Portage or Victoria road in Eldon.

Completion of railway.

12. That the time for the completion of the said railway shall be extended for a period of two years after the passing of this Act.

Petition by majority of freeholders for bonus or donation.

13. In case a majority of the persons rated on the last assessment roll as freeholders in any portion of a municipality, do petition the Council of such Municipality, the said petition to define the metes and bounds of the section of the municipality within which the property of the petitioners is situated, and expressing the desire of the said petitioners to aid in the construction of the said Railway, by granting a bonus or donation to the said Company for this purpose, and stating the amount which they so desire to give and grant, and to be assessed therefor, the Council of such municipality shall pass a By-law: Provided the said By-law shall be approved of as in sections two hundred and twenty-six, two hundred and twenty-seven and two hundred and twenty-eight of the Municipal Act of eighteen hundred and sixty-six, chapter fifty-one, by the majority of qualified municipal electors in the portion of a municipality petitioning as aforesaid:

By-law to be passed.

(1.) For raising the amount so petitioned for by the freeholders in such portion of the municipality, by the issue of debentures of the municipality, payable within twenty years, and for the payment to the said Company of the amount of said bonus or donation at the time and on the terms specified in said petition. Amount raised by debentures.

(2.) For assessing and levying upon all the ratable property lying within the section defined by said petition, an annual special rate sufficient to include a sinking fund for the repayment of debentures with the interest thereon, which municipal Councils are hereby authorized to execute and issue in such cases respectively. Assessment for repayment and sinking fund.

CAP. XLIII.

An Act respecting the Fair Ground of the County of Oxford.

[Assented to 24th December, 1869.]

WHEREAS by letters patent, dated the third day of September, in the year of our Lord one thousand eight hundred and forty-five, certain parcels of land being lots numbers eleven, twelve, thirteen, fourteen and fifteen, on the east side of Light street, and lots numbers eleven, twelve, thirteen, fourteen and fifteen, on the west side of Graham street, in the town of Woodstock, in the county of Oxford, in the Province of Ontario, were granted to the council of the district of Brock, their successors and assigns forever, to have and to hold to the said council, their successors and assigns forever, in trust for the use of the inhabitants of the said district, now the county of Oxford, as a site and place for holding free fairs according to law, and for the convenient holding of such fairs, and making and permitting all erections thereon for the said purpose and for no other use or purpose whatever; and whereas, the municipal council of the said county of Oxford, have by petition prayed that an Act might be passed giving them the additional powers in respect to the said land hereinafter contained, and it is expedient to grant the prayer of the said petition; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. It shall and may be lawful for the said municipal council of the county of Oxford, from time to time, to pass by-laws for the following purposes and the same from time to time to repeal or vary either wholly or in part; Council may pass by-laws,

(1.) For permitting any agricultural or horticultural societies, any fruit growers' associations, and societies for the exhibition ground, to permit certain societies, etc., to use the

ition or sale of stock, produce, manufactures, works of art or science, any meetings for the giving of lectures or instructions on agricultural or horticultural subjects or for the furtherance of education, art or science, any club or gathering of persons for engaging in the game of cricket, base-ball or other useful and lawful game, and all other persons or bodies corporate associated for the purpose of giving any useful and lawful exhibition, to hold their exhibitions, lectures, games and assemblages on the said land, at such times and under such conditions as the said council may from time to time appoint;

to permit the militia to use the ground.

(2.) For permitting the militia of the county to use the same free of charge, for the purpose of exercise or drill, at all convenient times, and so as not to interfere with the use of the said land for the other purposes in the said letters patent and herein mentioned;

to charge fees for user,

(3.) For charging and collecting from the said societies, associations, exhibitors, clubs, lecturers, persons or bodies corporate a reasonable fee for the use of such grounds, the same to be fixed by the said council;

to empower societies, etc., to charge fees for admission,

(4.) For enabling such societies, associations, exhibitors, clubs, lecturers, persons or bodies corporate to charge and collect from each person during the time the said lands are being used for the purpose aforesaid, an admission fee to be fixed by the said Council not to exceed twenty cents for each day;

to prohibit the user,

(5.) For enabling the said council to prohibit the using of the said grounds for the purpose aforesaid, or for any purpose whatever, until the fee for the use of the same shall have been first paid to the said council, and to use all lawful means to remove from the said land all persons using the said grounds contrary to the said letters patent, or this Act, or any by-laws, lawfully to be made hereunder;

to enable societies to prohibit entry,

(6.) For enabling the societies, associations, clubs, lecturers, persons and bodies corporate aforesaid, to prohibit and prevent any person entering or remaining on the said grounds during the time the said land shall be used for the purposes aforesaid, without having first paid the fee therefor, and to use all lawful means to remove such persons therefrom;

to prohibit certain performances, &c.,

(7.) For prohibiting and prosecuting all kinds of gambling, theatrical, circus or mountebank performances, exhibitions or shows, and the sale or use of spirituous, fermented or intoxicating liquors, on the said ground, and to limit the number of or exclude altogether persons on horseback or in waggons or carriages during the holding of such meeting;

as to expenditure.

(8.) For expending the moneys to be received by the said council for the use of the said grounds in fencing, improving, ornamenting and preserving the same.

2. By-laws so to be made by the said council, in addition to By-laws, effect any effect they may have by virtue of this Act, and the provisions thereof, shall be as valid and effectual as if such provision had been originally contained in the said letters patent.

3. The moneys so to be received by the said council for the use of the said grounds, shall be expended by them in fencing, improving, ornamenting and preserving the same. Moneys received for user, how to be applied.

4. Nothing herein contained shall prevent the inhabitants of the said county from entering upon or remaining on the said grounds, or from using the same as a place of public resort or pleasure grounds, or prevent the same lands from being used at all convenient times, for free fairs for the sale of cattle, farming stock and implements, according to the terms of the said letters patent, free of charge. Certain rights not to be interfered with.

CAP. XLIV.

An Act to amend the Act incorporating the President, Directors, and Company of the Port Credit Harbor.

[Assented to 24th December, 1869.]

WHEREAS by an Act passed by the late Parliament Preamble. of Upper Canada, in the fourth year of the reign of his late Majesty King William the Fourth, chaptered thirty-two, the president, directors, and company of the Port Credit Harbor were incorporated, and they have petitioned for certain amendments to the said Act, and it is expedient to amend the same; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The capital stock of the said company shall be increased Capital stock increased. to the sum of one hundred thousand dollars, and shall be held in two thousand shares of fifty dollars each.

2. The present shareholders of the company shall have the option of taking up the said increased shares for the period of six months after the passing of this Act on payment by them of five per cent. on their subscription for such increased shares, and all, or any of such increased shares not so taken up, shall thereafter be open to subscription by the public, provided always that five per cent. shall always be payable before such subscription, without which no subscription shall be valid. Taking up of increased stock.

3. It shall be lawful for the said company, from time to time, Powers to borrow time,

row and issue
debentures,
etc.

Power to
mortgage.

Liability of
stockholders.

Directors to be
five in num-
ber.

Subscription
books, sub-
scription ;

payment ;

calls.

time, to borrow, either in this Province, or elsewhere, all such sum or sums of money as they may find expedient, not exceeding the amount of their paid up capital, and to make the bonds, debentures, or other securities they shall grant for the sums so borrowed payable either in currency or in sterling, with interest, and at such place or places, within or without this Province, as they may deem advisable ; and such bonds, or other securities may be made payable to bearer, or transferable by simple endorsement, or otherwise, and may be in such form as the directors for the time being may see fit ; and the said directors may mortgage or pledge the stock, lands, revenues, hereditaments, and any other property of the said company, for the payment of the said sums, and the interest thereon, as a charge upon the sum of twenty thousand dollars, being the original capital stock of the said company, which shall always remain as the first charge on the said company, unless unanimously altered by the holders of the original stock of the said company.

4. Each stockholder of the corporation shall be severally and individually liable to the creditors thereof, to an amount equal to what remains unpaid of the stock held by him, for all debts and contracts made by such corporation, until the whole amount of the stock held by such stockholder shall have been paid in, and no more.

5. That the property, affairs, and concerns of the said company, shall hereafter, and from the date of the passing of this amended Act, be managed and conducted by five directors, instead, and in place of, seven directors, as enacted under clause eight of the Act above mentioned.

6. That the said company may, after six months from the passing of this Act, open books of subscription, at such places and times as they may deem proper ; and any person or persons, or bodies corporate, may subscribe for and hold such and so many shares of stock in the said company as he, or she or they may think fit ; and five per. cent thereon shall be paid at the time of subscribing, and the remainder shall be payable at such time or times, as the majority of the directors, thereafter elected by the stockholders, shall appoint ; Provided always, that no call shall exceed ten per cent. ; and no instalment shall become due and payable until after sixty days notice shall be given in some newspaper printed and published in the City of Toronto, and in the *Ontario Gazette* ; and if any stockholder shall, after such notice, refuse or neglect to pay any instalment due upon the share or shares held by him, such share or shares shall or may, in the option of the directors, become forfeited together with the amount paid thereon, and such forfeited share or shares may be disposed of, as the directors may think fit, in any manner whatsoever, or the same may be vested in and for the benefit of the company, as the directors may determine,

or

or the party holding such share may be sued for the amount due, with interest from the time that the same became due until payment.

7. That the said company may enlarge the limits of and approaches to said harbor, and acquire any additional properties that may be necessary for that purpose, and may erect and build an elevator or elevators thereat, and make and extend all such other works as may be required to increase the trade and business of the said harbor; and all monies raised under the authority of this Act shall be applied for the purposes in this clause mentioned, and no other.

Powers as to
harbor and
business, etc.

CAP. XLV.

An Act to Incorporate the Inland Water Transportation Company.

[Assented to 24th December, 1869.]

WHEREAS certain persons have, by their petition, prayed that they be incorporated under the title of "The Inland Water Transportation and Navigation Improvement Company," for the purpose of steam navigation on Scugog, Sturgeon, Balsam, Cameron, Pigeon and Chemung Lakes, and the inland rivers and waters into which those lakes flow, or with which they are connected, in the Counties of Peterborough, Victoria, and Ontario; and whereas it is expedient to grant the prayer of the said petitioners; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Preamble.

1. John Ham Perry, William S. Sexton, David Brown, John McLennan, James B. Knowlson, George Crandall, Neil McDougall, S. C. Wood, W. J. Trounce, Metcalf Thwaite, N. W. Brown, Joshua Wright and Edward Major, together with all such other persons as shall become shareholders of the said company, shall be and they are hereby made and constituted a body corporate and politic, by and under the name of "The Inland Water Transportation Company," and by that name they and their successors shall and may have continued successors and a common seal, and by such name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts of law, and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever.

Incorporatio

2. The company may construct, acquire, charter, navigate, and maintain, boats, scows, and steam vessels for carrying on

Powers as to
vessels, &c.

trade and conveying goods and other traffic and passengers on the said waters, and may tow and make voyages with such steam and other vessels, scows and boats, upon said waters, on such terms as the said company may deem advisable, and generally may carry on and transact all such business, and do all such matters and things as may be incidental to the carrying out of the objects of the company, or necessary or expedient to the effectual or profitable prosecution thereof; and may enter into any contract or arrangement with any bodies politic or corporate, or persons whomsoever, for the joint or better execution of any such objects for the benefit of the company.

Powers to dispose of property.

3. The company shall, as occasion may require, sell, mortgage or dispose of any such steam and other boats and vessels, or any other property or effects of the company whether real or personal, not required for the uses of the company.

Capital stock.

4. The capital stock of the company shall be fifty thousand dollars, divided into one thousand shares of fifty dollars each, with power to increase the same from time to time to one hundred thousand dollars; which capital stock shall be raised by the persons hereinbefore named, and such other persons and corporations as may become shareholders in the said stock; and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements for procuring the passing of this Act, and the rest and remainder of such money shall be applied to carry out the purposes of this Act, and for no other purposes whatsoever.

Limit to shareholders' liability.

5. The shareholders shall not as such be held liable for any claim, engagement, loss, or payment or for any injury, transaction, matter or thing relating to or connected with the said company, or the liabilities, acts or defaults of the said company, beyond the sums, if any, remaining unpaid, to complete the amount of their subscriptions to the company.

Meeting to choose directors.

6. When and so soon as ten thousand dollars of the said capital stock shall have been subscribed, and ten per centum paid thereon into some one of the chartered banks of this Province for the purposes of this Act, it shall be lawful for the provisional directors to call a meeting of the holders of such shares, at such time and place, in the town of Lindsay, as they shall think proper; at which said general meeting the shareholders having paid five per cent on their stock subscribed for, shall, either in person or by proxy, choose nine directors in the manner and qualified as hereinafter mentioned, to be directors of the said company and to hold office until the first Wednesday in February following.

Provisional board of directors.

7. John Ham Perry, William S. Sexton, David Brown, John McLennan, James B. Knowlson, George Crandall, Neil McDougall, Samuel Casey Wood, William James Trounce, Metcalf Thwaite,

Thwaite, Nicholas Wood Brown, Joshua Wright, and Edward Major, shall be and are hereby constituted a provisional board of directors of the said company, and shall hold office as such, until other directors shall be appointed, under the provisions of this Act, by the shareholders.

8. The said provisional board of directors shall have full power to open stock books and procure subscriptions for the undertaking, to make calls upon the subscribers, grant certificates and receipts therefor, to make provisional by-laws to have force until the first general meeting of the company, and to do all other things whatsoever necessary or expedient in order to the organization of the company and the conduct of its affairs until the election of a board of directors thereof.

Powers of provisional board.

9. After the first election of directors, on the first Wednesday in February following, and on the first Wednesday in February in each year thereafter, there shall be elected by the shareholders of the company, nine directors; and all elections for directors shall be by ballot; and if a vacancy shall at any time happen among the directors by death, resignation, removal from the Province, or from any other cause whatsoever, such vacancy shall be filled for the remainder of the year by a majority of the directors, and the said nine directors shall form the board of directors; nevertheless any acts done by the surviving directors, without having the vacancy filled up, shall not be deemed invalid.

Annual election of directors.

10. The persons qualified to be directors of the said company shall be shareholders, holding stock to the amount of five hundred dollars each, and who shall have paid all calls on said stock.

Qualification of directors.

11. If at any time an election of directors be not made or do not take effect at the time appointed under this Act, the corporation hereby constituted shall not be taken to be thereby dissolved, but it shall be lawful at any subsequent time to make such election at a general meeting of the shareholders to be duly called by the Board of Directors for that purpose, and the term of office of any retiring director shall not be deemed to have expired until his successor shall have been elected.

Consequence of non-election of directors.

12. The directors shall elect from amongst themselves, a president and vice-president, one of whom shall preside at the general board meetings and otherwise discharge the duties pertaining to such office.

Choice of president and vice-president.

13. The said directors shall and may use or affix the common seal of the said corporation to any document which in their judgment may require the same; and any act or deed bearing the seal and signed by the president or the vice-president and countersigned by the secretary shall be held to be the act and deed of the corporation.

Execution of documents.

Five directors
a quorum.

Directors may
be paid or act
as paid secre-
tary, &c.

Powers of
directors as to
by-laws.

14. At all meetings of the board of directors, whether of provisional directors or of those elected by the shareholders, five directors shall form a quorum for the transaction of business, and may exercise all the powers of the board; and the said board of directors may employ one or more of their number as paid director or directors; and any one of the directors may at the same time act as secretary or treasurer of the said company and be allowed and paid for his services as such.

15. The directors of the said company shall have full power and authority to make, prescribe, alter, amend, repeal, and re-enact all such by-laws, rules and regulations as shall appear to them proper and needful, touching the well-ordering of the company, the acquirement, management and disposition of its stock, property, estate and effects, and of its affairs and business; and particularly the said directors shall have power to make, prescribe, alter, amend, repeal or re-enact by-laws, rules and regulations touching the following matters:—

A. The calling up and payment from time to time of the capital stock of said company, and of the increase thereof as provided by this Act.

B. The issue of certificates to the respective shareholders of the said company, of their shares therein, and the registration thereof in the books of the company, with the address of the said shareholders.

C. The forfeiture or sale of shares for non-payment of calls on the shareholder.

D. The transfer of shares.

E. The declaration and payment of profits of the said company and dividends in respect thereof.

F. The formation and maintenance of a sinking fund or reserve fund.

G. The remuneration of the directors, and the appointment, removal and remuneration of all such managers, agents, officers, clerks or servants of the company, as they shall deem necessary for carrying on the business of the said company, and the security (if any) to be taken from such parties respectively for the due performance of their respective duties.

H. The calling of general special or other meetings of the board of directors and of the company.

I. The making and entering into deeds, bills, notes, agreements, contracts, charter-parties, and other documents to bind the company, and whether under the seal of the company or not, and whether by the directors or their agents, as may be deemed expedient.

J. The borrowing or advancing of money for promoting the purposes and interests of the company, and the securities to be given by or to the said company for the same.

K.

K. The keeping of minutes of the proceedings of the said company, and making the same conclusive and binding on the shareholders and rectifying any errors which may be made therein.

L. To submit to the annual meeting of the shareholders a clear and detailed statement of the affairs of the said company.

M. The audit of accounts and appointment of auditors.

16. Any copy of the by-laws of said company or any of them purporting to be under the hand of the secretary, and having the seal of the company affixed, shall be received as *prima facie* evidence of such by-law in all courts of this province.

Copy of
by-laws as
evidence.

17. The chief place of business of the said company shall be at the town of Lindsay.

Lindsay to be
chief place of
business.

18. At any general meeting of the company, or at any meeting of the directors, all transactions, questions and matters, shall be determined by a majority of the votes of the shareholders or directors, as the case may be, present and assisting at such meeting either in person or by proxy.

Majority of
votes to
govern.

19. Every shareholder in the company shall be entitled to one vote for each share he may hold in the capital stock of the company, at one month prior to the time of voting: Provided always, that no shareholder shall be entitled to vote at any meeting of the company, or be capable of election as a director who shall then be in arrear for the payment of any calls then actually overdue and unpaid on his shares.

One vote for
each share,
disqualifica-
tion as direc-
tor or voter, if
calls unpaid.

20. The directors of the said company may call in the capital stock of the same, provided no larger sum than ten per cent of the amount subscribed shall be payable at one time, and that at least two months shall elapse between each payment.

Calls.

23. All notice of calls on stock, and meetings of the shareholders, shall be published for one month in the *Ontario Gazette*, and in one newspaper in the town of Lindsay, for four weeks before the day for holding said meeting, or the time on which said call on stock is made payable.

Notice of
calls.

22. The shares in the capital stock of the company shall be deemed personal estate, and shall be transferable as such, but in such manner only and subject to all such restrictions as by any by-law of the company may be prescribed, and no shares shall be transferable unless with the express consent of the board of directors until fully paid up.

Shares, how
transferable.

23. It shall be lawful for the company, either by suit to enforce

Calls, how
force

enforced by
suit or for-
feiture.

force payment of any calls or of any unpaid part thereof, with interest on the sum due from the time of the call and costs, or to forfeit and sell the shares whereon the same may be due or a sufficiency of them, for the payment of the amount due with interest; and in any such suit it shall be sufficient to allege the defendant to be the holder of one or more shares, as the case may be, and to be indebted to the company in the amount in arrear thereon; and a certificate under their seal, and purporting to be signed by any officer of the company to the effect that the defendant is a shareholder, and that the calls in question have been made and that the amount claimed thereon is due and unpaid, shall be received as *prima facie* evidence to that effect.

Municipalities
may aid.

24. Any municipal corporation may aid and assist the said company by loaning, or guaranteeing or giving money or other means to the company, or issuing municipal bonds to or in aid of the company, and otherwise in such manner, and to such extent as such municipal corporation shall think expedient; Provided always, that no such aid, loan, bonus, or guarantee shall be given, except after the passing of by-laws for the purpose, and the adoption of such by-laws by the ratepayers as provided in the Municipal Act.

Power to take
into stock
present ves-
sels, &c., of
shareholders,

25. The directors shall have the power, if they think fit, to receive and take into stock of the said company, such boats, scows, vessels and steam vessels as may have already been built or acquired by individual shareholders.

at a valuation.

26. The directors of the company shall take the said boats, scows, vessels and steam vessels at their cost, or at such valuation as shall be put upon them by persons mutually chosen to decide the same, and such valuation shall be credited to the shareholders as payment made on account of their stock.

Contracts,
&c., when
valid.

27. Every contract, agreement, engagement, or bargain made, and every bill of exchange drawn, accepted, or endorsed in the name, and every promissory note and cheque made, drawn or endorsed on behalf of the company by any agent, officer or servant of the company in accordance with his powers as such under the by-laws of the company, shall be binding upon the company; and in no case shall it be necessary to have the seal of the company affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note or cheque, or to prove that the same was made, drawn, accepted, or endorsed, as the case may be, in pursuance of any by-law, or special note or order; nor shall the party so acting as agent, officer, or servant of the company be thereby subjected individually to any liability whatsoever to any third party therefor; Provided always, that nothing in this section shall be construed to authorize the company to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money or as the note of a bank.

28. The company may from time to time borrow from any person or persons company or corporation willing to lend the same, all such sum or sums of money not exceeding in all at any one time one half of the paid up capital stock of the said company, as they may find expedient, and make the bonds, debentures and other securities (not less than one hundred dollars each) with the interest coupons thereto attached, such interest not to exceed ten per cent., payable at such place as they may deem advisable; and such bonds, debentures or other securities may be made payable to bearer; and such bonds or debentures shall, upon enregistration thereof in the Registry Office of the county of Victoria, constitute and be a mortgage, ranking according to the date of such enregistration upon all the property, real and personal, of the said company, including the revenues, rates and tolls thereof.

Power to borrow,
and issue debentures,
which, when registered, shall operate as a mortgage.

29. Any suit at law or in equity may be prosecuted and maintained between the company and any shareholders thereof; and no shareholder not being himself a party to such suit shall be incompetent as a witness therein.

Suits between Company and Shareholders, and evidence.

30. The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any shares; and the receipt of the shareholder in whose name the same shall stand in the books of the company, shall be a valid and binding discharge to the company for any dividend or money payable in respect of such shares, and whether or not notice of such trust shall have been given to the company; and the company shall not be bound to see to the application of the money paid upon such receipt.

Company not bound to see to trusts, &c.

31. The said corporation shall at all times when thereunto required by the Lieutenant-Governor, or by the Legislative Assembly, make a full return of all its property, real and personal, and of its liabilities, receipts and expenditure, to the Lieutenant-Governor or Legislative Assembly requiring, for such period, and with such details and other information as the Lieutenant-Governor or the Legislative Assembly may require.

Returns to be made.

CAP. XLVI.

An Act to Incorporate the Mississippi Navigation Company.

[Assented to 24th December, 1869.]

WHEREAS James H. Dixon, of the township of Smith, in the county of Peterborough hath by his petition set forth that he desires to render the River Mississippi, in the county of Lanark,

Preamble.

Lanark, navigable above Carleton Place; and whereas it is desirable that the said James H. Dixon, together with Abram Code, John Craigie, Robert Bell and Robert Crampton, be incorporated for the purpose hereinafter mentioned; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Name and incorporation.

1. That James H. Dixon, Abram Code, John Craigie, Robert Bell and Robert Crampton, together with all such other persons as may hereafter become shareholders in the company hereby constituted, shall be, and they are hereby constituted a body corporate and politic by the name of the "Mississippi Navigation Company."

Map and statement of lands to be taken to be filed.

2. Before the said company shall be entitled to exercise its corporate powers, it shall cause a map or plan to be filed with the Commissioner of Public Works, showing the proposed works, together with a statement showing the lands proposed to be entered upon for the purpose of this Act, and the said company shall also furnish to the Commissioner of Crown Lands a statement showing the quantity of land owned by the Crown through which it is proposed to construct said works.

Statement as to crown lands to be filed.

What public lands may be taken.

3. It shall be lawful for the said company, with the permission of the Lieutenant-Governor, to take for the purpose of completing the navigation of the said river as aforesaid, so much land of the Crown, not heretofore granted or sold, lying adjacent to the said river, and also so much of the land covered with the waters of any stream as may be found necessary for completing the said navigation, or more conveniently using the same; and thereon to erect or build locks, dams, tow-paths, feeders, basins, bridges, wharves and other works, which the said company shall at any time think necessary; Provided always that it shall not be lawful for the said company to cause any obstruction in, or to impede the free navigation of any stream across which any of the works of the said company may be carried: and the said company may hold all such lands, hereditaments and tenements as may at any time be granted to them by the Crown for the said works.

Navigation not to be impeded.

Powers as to lands of individuals.

4. That after the said company shall have complied with the provisions of the preceding sections, and shall have obtained the consent of the Lieutenant-Governor as aforesaid, in the event of the same being required, they shall have full power and authority to survey and explore the lands belonging to private individuals adjacent to the said river, and upon which it may be necessary to enter for the purposes aforesaid, and lying between Carleton Place and the western boundary of the county of Lanark, and to take, appropriate, have and to hold, to and for the use of them and their successors, so much of the said lands as may be necessary for the purposes aforesaid, and to build and erect such locks, dams, tow-paths, feeders, basins, bridges, wharves

wharves and other works as may be considered expedient by the said directors, and to purchase and use such lands for the uses and purposes of the said company.

5. After any land or ground shall be set out and ascertained to be necessary for the purposes of the said navigation or other purposes herein mentioned, it shall be lawful for the owners all, whether individually or bodies corporate or politic, or trustees or lessees, or other party or parties holding any right, title, interest or claim to any of such lands or grounds, to contract for, sell and convey to the said company, all or any part of such land or ground which shall from time to time be set out and ascertained as aforesaid; and all such contracts, agreements, sales and conveyances shall be valid and effectual in law, to all intents and purposes, notwithstanding any law, statute or usage to the contrary.

Contracts as to sales of lands to company.

6. That if the amount of the purchase money or compensation for lands flooded or injured, by the works of the said company or by any works said company may acquire by purchase or otherwise cannot be agreed upon, the same shall be referred to arbitration, for which purpose sections forty-one, forty-two, forty-three, forty-four, forty-five, forty-six, forty-seven, forty-eight and forty-nine of chapter sixty-eight, of the Consolidated Statutes of Canada shall be taken to form part of this Act.

Arbitration as to purchase money.

7. James H. Dixon, Abram Code, John Craigie, Robt. Bell and Robert Crampton shall be, and are hereby constituted and appointed the first directors of the said company, and shall hold office until others shall, under the provisions of this Act, be elected by the shareholders, and shall, until that time constitute the board of directors of the said company, with power to open stock books and make a call on the shares subscribed in such books, and call a meeting of the shareholders for the election of directors in the manner hereinafter provided; and the chairman of the said meeting shall be president or vice-president of the directors appointed by this Act.

First set of Directors; their powers.

8. The capital stock of the said company shall be one hundred thousand dollars, to be held in two thousand shares of fifty dollars each; and every such share shall entitle the proprietor on every occasion when the votes of the shareholders are given, to one vote for every such share.

Capital stock.

9. It shall not be lawful for the said company to proceed with their operations under this Act until twenty thousand dollars of the said stock shall have been subscribed, and twenty per centum shall have been paid thereon.

When the company may commence operations.

10. In the management of the affairs of the said corporation, there shall be elected by the shareholders of the said corporation at a general meeting of them to be holden annually on the first Monday

Annual election of directors and president.

Monday

Monday in July, five directors, each one being a proprietor of not less than ten shares of the capital stock of the corporation; the majority of whom shall elect from among themselves, a president who shall preside at the general meetings and otherwise discharge the duties pertaining to such office; and whenever a vacancy shall happen in the board of directors by death or resignation, or by reason of any director declining or neglecting to act for a period of three months after his election, such vacancy may be filled up by the majority of directors for the time being appointing some shareholder to supply the vacancy accruing.

Majority of directors a quorum.

11. A majority of the directors shall be a quorum for the transaction of business.

Calls, when payable.

12. The owner or owners of one or more shares in the said undertaking shall pay his, her or their shares and proportion of the moneys, and at such time and place, as the said directors shall from time to time appoint and direct, of which thirty days notice, at least in one newspaper published in the County of Lanark, or in such other manner as the said directors or their successors shall, by any by-law, direct or appoint, but no call at any one time shall exceed ten per cent.

Duties of directors as to preliminary expenses, &c.

13. The chief duties of the directors to be chosen by the shareholders as aforesaid, shall be, in the first place, to provide for and pay the preliminary expenses of the undertaking, procure and provide means for the payment for accurate and detailed surveys, specifications, plans and estimates of the work to be done, in order to carry out the purposes of this Act, and generally to do all such matters as are herein authorized to be done.

Powers as to by-laws.

14. The directors of the said company shall have full power and authority to make all such by-laws, rules, regulations and ordinances as shall appear to them proper and needful to the management of the said company, and to alter and amend the same as often as they may think proper, until the same are altered and repealed by the majority in value of the shareholders voting at any annual or other special or general meeting, to whom power is hereby given so to alter or repeal the same.

Mill sites not to be interfered with.

15. That nothing herein contained shall authorize the said company to interfere with any of the mill sites in the said river between the points above described, nor shall the said company use any mill sites in the said river, or erect any works which can in any way destroy the usefulness of the said stream, save and except as aforesaid.

Compensation for injury.

16. That if any property or highway be overflowed, or otherwise injured by the works of the said company, compensation therefor shall be awarded in the same manner, in case of disagreement,

disagreement, as is provided for the purchase of lands in the sixth section of this Act; Provided always, that if the said compensation shall not be paid or made within one month after the amount of the same shall have been agreed on, or awarded as aforesaid, the person to be compensated may resume possession of the property overflowed, or otherwise injured, and remove all constructions which may cause the overflow or injury, and shall also be entitled to any damages caused by such overflow or injury.

17. Whenever any highway or public road, or any bridge, shall be cut through by the works of the said company, the said company shall cause to be constructed a secure and sufficient bridge, with proper and sufficient approaches thereto, with all convenient speed. Erection of bridges.

18. The said company may build such locks as may be necessary for completing the navigation of the said river, and may open, cut and erect such ponds and basins for the lying up and turning of vessels, boats or rafts, using the said river between the points aforesaid, and at such portions of the navigation as they shall deem expedient, and they may also build and erect such dry docks, slips and other works and machinery connected therewith, for the hauling out and repairing of vessels, as they shall think proper, and may let the same on such terms as they shall deem expedient, or carry on the business of the same by their servants or agents, as the said company or the Directors thereof shall decide from time to time. Powers as to locks, etc.

19. The said company shall have power by by-law to fix and regulate the tolls to be taken in the said river, between the points aforesaid, for the use of such locks as it may be necessary to be constructed; but no such tolls shall be levied or taken until approved of by the Lieutenant-Governor in Council, nor until after publication for two weeks in the *Ontario Gazette* of the by-law fixing and establishing such tolls, and of the order in Council approving thereof. Powers as to tolls.

20. It shall and may be lawful to and for the said directors, and they are hereby authorized from time to time to nominate and appoint a treasurer and secretary, taking such security for the due execution of the duties appertaining to them as may from time to time be defined by the by-laws, rules and regulations of the said company. Appointment of secretary and treasurer.

21. The said company, in order to entitle themselves to the benefits and privileges conferred upon them by this Act, shall commence the work within one year, and shall complete the same within five years from the passing hereof; otherwise this Act, and everything herein contained, shall be null and void to all intents and purposes. When the work is to be commenced and completed.

Joint Stock
Co. clauses
Con. Stat. to
apply.

22. The Joint Stock Companies General Clauses Consolidation Act, being the Act passed in the session held in the twenty-fourth year of the reign of Her Majesty, chaptered eighteen, shall extend and apply to the company hereby incorporated.

CAP. XLVII.

An Act to Incorporate the Toronto House Building Association.

[Assented to 24th December, 1869.]

Preamble.

WHEREAS the persons hereinafter named by their petition have represented that they have, "with many others residing in the city of Toronto, formed themselves into an Association, called the Toronto House Building Association;" for the purpose of building and erecting first and second-class dwellings in the city of Toronto, or in any part of the Province of Ontario, with the view of inducing and enabling the mechanical and other useful classes of the community, having a limited income, at the end of several years without the payment of cash down to become the absolute owners of such dwellings: and whereas, the said Petitioners have prayed that the said Association may be incorporated, and in consideration of the great benefits which must arise from the said Association, it is expedient to grant their prayer; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Persons incorporated.

1. Hon. William McMaster, Angus Morrison, John Fisk, James Michie, James E. Smith, James Austin, Robert Hay, Donald Mackay, William Thompson, Edward Hooper, John Charlesworth, John S. Playfair, Amos Bostwick, Peter Paterson, John Shedden, Thomas Dick, together with all such other persons as shall become shareholders in the Association hereby constituted, shall be, and they are hereby made a body corporate and politic by the name of the "Toronto House Building Association."

Corporate name.

Powers.

2. The Association shall have power to acquire and hold by lease, purchase, or other legal title, lands, houses, buildings, or premises, to construct, erect, build, and maintain houses or other buildings, and to lease, sell, convey, and dispose of the same, as the Association may deem for its advantage; and also shall have power to lend its money on security of mortgage on real estate, or Provincial Government bonds, municipal securities, or on the stock of chartered banks within the Province.

Capital stock

3. The capital stock of the Association shall be the sum of one

one hundred thousand dollars, divided into shares of twenty-five dollars each; and which said capital stock may be from time to time increased, as the wants of the Association may require, by vote of the shareholders, at a meeting of the Association, called for the purpose, to an amount not exceeding four hundred thousand dollars in the whole.

Increase.

4. The capital stock shall be paid by the shareholders in monthly instalments, as the Directors of the Association shall require, or as the by-laws may provide, and if not paid at the day required, interest at the rate of seven per centum per annum shall be payable after the said day, upon the amount due and unpaid; and in case any instalment or instalments shall not be paid, as required by the Directors with interest thereon, after such demand or notice as the by-laws prescribe and within the time limited by such notice, the Directors may by vote, reciting the fact, duly recorded in the records, summarily forfeit any shares whereon such payment is not made, and the same shall thereafter become the property of the Association.

Payment of shares, and forfeiture for non-payment.

5. The stock of the Association shall be deemed personal, and be assignable; and no transfer of any share shall be valid until entered in the books of the Association, according to such forms as the Directors may from time to time appoint; and until the full amount of the shares subscribed for shall have been paid up, it shall be necessary to obtain the consent of the Directors to such transfer being made; Provided always, that no shareholder indebted to the company shall be permitted to make a transfer or receive a dividend until such debt be paid, or secured to be paid to the satisfaction of the Directors.

Shares transferable.

6. At all meetings of the Association, every shareholder, not being in arrears in respect of any instalment, shall be entitled to vote upon the following scale:—For one share, one vote; three shares, two votes; five shares, three votes; seven shares, four votes; nine shares, five votes; eleven shares, six votes; thirteen shares, seven votes; sixteen shares, eight votes; nineteen shares, nine votes; twenty-five shares, ten votes; and one additional for every five shares over twenty-five shares; no shareholder shall act as proxy for more than one hundred shares, and all votes may be given in person or by proxy; Provided always the proxy is held by a shareholder, and is in conformity with the by-laws.

Voting.

7. The stock, property, and affairs of the Association shall be under the management of a Board of nine Directors, one of whom shall be elected President, and another of whom shall be elected Vice-President by and amongst themselves, and five members of such Board, present in person, shall be a quorum thereof, each of which Directors shall be a shareholder, and possess in his own right not less than twenty shares of the capital

Nine Directors.

President.

Directors' qualifications.

Names of
Directors.

capital stock of the said Association; and the first Directors under this Act shall be Hon. William McMaster, Angus Morrison, John Fiskien, James Michie, James E. Smith, James Austin, Robert Hay, Donald Mackay, William Thompson, Edward Hooper, John Charlesworth, John S. Playfair, Amos Bostwick, Peter Paterson, John Shedden, and Thomas Dick, and they shall hold office till the first general meeting of the shareholders, which shall take place at the city of Toronto, on the first Tuesday of the month of February, one thousand eight hundred and seventy; and thereafter the Directors shall be elected at a general meeting of the shareholders, to be holden on the first Tuesday in February in each year, at such place and in such manner as the majority of the Directors for the time being shall direct and appoint; and the election shall be held and be made by such of the shareholders as shall attend either in person or by proxy, and such election shall be made by ballot; and if any Director shall die, resign, refuse, or become incapable to act, or cease to be a Director from any other cause, the remaining Directors shall, if they think proper, elect in his place another shareholder to be a Director, who shall hold office until the next annual meeting.

Annual meet-
ing to elect
Directors.

Filling
vacancies.

Provisions in
case of failure
to elect Direc-
tors on day
appointed.

8. In case at any time an election of Directors shall not be made on the day herein appointed, the said Association shall not on that account be deemed to be dissolved, but it shall and may be lawful on any other day to hold and make an election of Directors in such manner as shall have been regulated by the by-laws, rules and regulations of the said Association.

Powers of
Boards of
Directors.

9. The Board of Directors shall have full power in all things to administer the affairs of the Association, and to make all contracts which the Association may by law make, to adopt a common seal, to make from time to time any and all by-laws, (not contrary to law) regulating the calling in of all instalments of stock and payment thereof, the registration of certificates of stock, the forfeiture of stock for non-payment, the disposal of forfeited stock and the proceeds thereof, the transfer of stock, the declaration and payment of dividends, the appointments, functions, duties and removal of all agents, officers and servants of the Association, the security to be given by them, their remuneration, the time and place for holding meetings, the calling of meetings, the requirements as to proxies, the proceedings in all things at such meetings, the imposition and recovery of all penalties and forfeitures imposed upon the several members of the Association infringing such by-laws, and the conduct in all other particulars of the affairs of the Association; but every such by-law and every repeal, amendment and re-enactment thereof, shall have force only when sanctioned by a general meeting of the Association; and every copy of any by-law under the seal of the Association, and purporting to be signed by any officer of the Association, shall be received in all Courts of law as *prima facie* evidence of such by-law: Provided that all

Proviso, by-
laws to be ap-
proved at a
general meet-
ing.

Evidence of
by-laws.

all general or special meetings of the shareholders shall be published in the *Ontario Gazette*, at least for one month before the day appointed for such meetings.

10. The shareholders shall not, as such, be held responsible for any act, default or liability whatsoever of the Association, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever relating to, or connected with the Association, beyond the amount unpaid upon their shares in the stock thereof. Liability of shareholders.

11. Upon an agreement being made by the said Association, for the sale of any house or other real estate held thereby, it shall be lawful for the said Association to execute, in favour of the intending purchaser thereof, a lease thereof for the time stipulated in such agreement of sale, at a rental corresponding in the amount, and in the terms of payment thereof, which said lease, or the possession of the property therein mentioned intended to be sold, shall not be held to convey to such intending purchaser any real right in or to the said property, until the sum of money in such lease stipulated for, and every part and portion thereof, shall have been fully paid with interest, if any, due thereon, nor until all charges, conditions and obligations created by, or due under such lease, shall have been fully paid, performed and fulfilled. Leases may be granted to purchasers on credit.
Such lease not to convey ownership.
Promise of sale not to be binding until conditions of lease are fulfilled.

12. If the intending purchaser or lessee, having accepted a lease under this Act of the property intended to be acquired by him from such Association, shall make all the payments, and perform all the conditions stipulated for by such lease, and shall fulfil all the obligations thereby imposed upon him, the said lease shall thereupon and thereafter be held to be, and shall be equivalent to a promise of sale of such property with possession, and shall vest the same in such intending purchaser or his assigns in the same manner, and to the same extent, as if it were an ordinary promise of sale, and shall give the right to the holder thereof to demand and to have from the said Association a valid deed of sale of the property mentioned therein, free from all charges thereon. When the lease shall be equal to a promise of sale.
Right resulting therefrom.

13. Clauses eleven and twelve shall be endorsed on all leases and contracts of sale granted or made by the Association. Ss. 11 and 12 to be endorsed on leases.

14. If at any time three months arrears of instalments stipulated for in such agreement or lease shall become due and shall remain unpaid, the said Association shall have the right to enforce payment of the same, or to retake possession of the property intended to be sold, upon giving to the intending purchaser or lessee thirty days notice in writing to vacate and deliver back the same, and may sell the said property, and apply the proceeds of such sale to the payment of all sums of money, interest, and other charges due to the Association; and the

the said Association may cause the same to be enforced either by foreclosure, or by an action or proceeding in either of the Superior Courts.

When operations shall be begun.

15. The Association shall not commence business operations under this Act, until at least forty thousand dollars of their capital stock shall have been subscribed, and ten per centum paid in; Provided always, that unless operations be commenced under this Act within one year from the passing thereof, and continue *bona fide*, this Act of Incorporation shall be null and void.

The Association may be dissolved by consent of shareholders, etc.

16. If at any time the Directors consider it expedient to cease carrying on the business of the Association, and to wind up and close it, they shall have power to do so in such manner as they shall deem best for the interests of the stockholders; Provided that the consent of a majority of the stockholders present at any meeting thereof be obtained thereto, in the notices for the calling of which, the intention of considering the winding up thereof shall have been mentioned.

Returns to the Legislature.

17. The said Association shall lay before the Legislative Assembly of Ontario, annual returns containing a general statement of the affairs of the said Association, which returns shall be presented within the first thirty days of each Session of the Legislature.

CAP. XLVIII.

An Act to incorporate certain persons under the name of the Toronto Wharf and Warehousing Company.

[Assented to 24th December. 1869.]

Preamble.

WHEREAS it is desirable that additional facilities be afforded at Toronto for the warehousing of produce and other effects and merchandise; and whereas the persons hereinafter mentioned have, by petition, prayed to be incorporated for the purpose of creating such additional accommodation, and for other purposes hereinafter mentioned: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. Henry S. Howland, William Gooderham, John Shedden, Noah Barnhart and George Laidlaw, and every such person or persons, body and bodies politic and corporate as shall under the authority of this Act, be associated with them, and their several and respective successors, executors, administrators and assigns, as stock-holders in the corporation hereby created, shall be a body politic and corporate, by the name of the "Toronto

ronto Wharf and Warehousing Company," and by that name shall and may have perpetual succession and a common seal, with power to break and alter the same, and by that name shall and may sue and be sued, implead and be impleaded in all courts of law or equity in this Province; and the said corporation shall have their principal place of business at Toronto aforesaid, but may open such office or offices at such places either in this Province or elsewhere, as may be found necessary or convenient for the purpose of their business.

2. The said company is hereby authorized and empowered, at its own cost and charges, to erect and build sheds, stores and warehouses for the reception and storage of goods, wares and merchandize, free of duty or in bond, or otherwise, together with such tramways, elevators and other constructions and erections whatsoever as may be requisite or useful for the reception, safe keeping and shipment of merchandize, produce and other effects.

Power to
erect build-
ings, etc.,

3. The said corporation may purchase or lease lands, wharves, sheds, stores, elevators or other erections now, or which may hereafter be erected, and such lease or purchase may be made from any of the directors or shareholders of the company; but such purchase or leasing must be approved of by the shareholders of the company, at a meeting to be convened for that purpose.

to purchase or
lease lands,

4. The said corporation may from time to time purchase and hold such immovable property as may be necessary for carrying on the business of the said corporation, not exceeding twenty-five thousand dollars in annual value, and may sell, lease or otherwise dispose of such property from time to time, as they may see fit.

to purchase
realty.

5. The corporation may issue certificates of goods received, or warehouse receipts therefor, on the production of which by the holder thereof, and on compliance by him with the terms thereof, the said corporation shall be compellable to deliver such goods; and such warehouse receipts shall be transferable by endorsement, either special or in blank; and such endorsement shall transfer all right of property and possession of such goods to the endorsee or holder of such warehouse receipts as fully and completely as if a sale and delivery of the goods mentioned therein had been made in the ordinary way; and on delivery of such goods by the said corporation in good faith to a person in possession of such warehouse receipts, the said corporation shall be free from all further liability in respect thereof; Provided always that the said corporation shall be subject, in respect of such warehouse receipts, to all the obligations and duties imposed upon warehousemen either by the statute law or by the common law of that part of Canada constituting the Province of Ontario.

Power to issue
transferable
warehouse re-
ceipts.

Liability.

Power to advance on goods stored and charge a commission and have a lien.

May sell such goods on default,

on 10 days notice.

Capital stock.

Transfer.

Commencement of operations.

Power to issue paid up stock in payment for wharves, etc.

Forfeiture of shares.

6. The Corporation may from time to time make advances on goods stored in the stores or warehouses of the said corporation, and may charge a commission on such advances not exceeding two and a half per centum on the amount thereof; for which advances and commission the said corporation shall have a lien upon such goods; but no lien shall attach in favour of the corporation on any goods, wares and merchandise for which it may issue a receipt, the extent and nature of which lien shall not be clearly expressed on the face of, and be evidenced by such receipt itself; Provided that in the event of non-payment of such advances when due, the corporation may sell the goods whereon such advances have been made, and retain the proceeds, or so much thereof as shall be equal to the amount due to the corporation upon such advances, with any interest and costs, returning the surplus, if any, to the owner thereof; but no sale of any goods shall take place under this Act until or unless ten days' notice of the time and place of such sale has been given by registered letter, transmitted through the Post Office, to the owner of such goods, prior to the sale thereof.

7. The capital stock of the Company shall be seventy thousand dollars, current money of this Province, in shares of one hundred dollars each; and such shares shall be transferable upon the books of the said company in such manner and subject to such restrictions as shall be fixed by the by-laws of the said company; Provided always that no person to whom shall be allotted any stock in the said corporation, shall be exempted from liability to the creditors thereof, or from payment of any calls thereon by reason of any transfer which he may make of such stock until the whole amount of the stock so allotted to him be paid in full by the holder thereof, or unless the transfer thereof be consented to by the said corporation; and such stock shall be called in and paid in such instalments and upon such notice as shall be fixed by the by-laws; Provided always that the said company shall not commence operations until one-half of the said capital shall be subscribed in good faith, and ten per centum thereon paid in.

8. The President, Vice-President and Directors shall have power to issue paid up stock in the said company in payment of the price of any wharves, sheds, stores, elevators, or other erections, or of real estate purchased, required for the purposes of this Act; and such paid up stock shall be free from all calls whatsoever, and from all claims and demands on the part of the said company, or of the creditors thereof, to the same extent as if the amount of the same had been regularly called in by the said company, and paid by the holder thereof in full.

9. If any stockholder neglect or refuse to pay any such call or calls as shall be lawfully made as aforesaid upon any shares, such stockholder so refusing or neglecting shall forfeit such shares, with any amount which shall have previously been paid thereon,

thereon, and the said shares may be sold by the said directors ; and the sum arising therefrom, together with the amount previously paid in, shall be accounted for and applied in like manner as other moneys of the said company ; Provided always that the purchaser shall pay the said company the amount of the calls due thereon, in addition to the price of the shares so purchased by him immediately after the sale, and before he shall be entitled to the certificate of the transfer of such shares so purchased as aforesaid, and shall hold the shares so purchased, subject to all future calls thereon ; Provided also that notice of the sale of such forfeited shares shall be given in the same manner as shall be provided for notice of calls, and that the instalments due and the costs incurred in advertising the sale may be received in redemption of any such forfeited shares at any time before the day appointed for the sale thereof ; and provided also, that nothing herein contained shall prevent the said company from proceeding against any defaulter before any Court of Justice having cognizance thereof to compel the payment of any call or calls in arrear, if they should see fit so to do.

Notice before
forfeiture.

10. At all meetings of the stockholders held in pursuance of this Act, whether the same be annual or special, every stockholder shall be entitled to as many votes as he shall have shares in the said stock, and such vote or votes may be given in person or by proxy ; and all questions proposed or submitted for the consideration of the said meetings shall be finally determined by the majority of the votes of the stockholders present in person or by proxy, except in any case or cases otherwise provided for by this Act ; and provided also that no person shall be entitled to vote as proxy at any meeting unless he shall be a stockholder in the said corporation, and produce written authority as such proxy.

Meeting of
stockholders.

Votes.

11. If at any future period the said sum of seventy thousand dollars shall be found insufficient for the purposes of this Act, it shall be lawful for the said company to increase their capital stock by a further sum, not exceeding three hundred thousand dollars currency, subscribed either among themselves or by new stockholders, such new stock being divided into shares of one hundred dollars each ; provided always that such increase be decided upon and ordered by a majority of the stockholders in value of the said company present in person or by proxy at a meeting held for the purpose.

Power to in-
crease capital
stock.

12. Until the election of the President, Vice-President and Directors, as hereinafter mentioned, the said Henry S. Howland, William Gooderham, John Shedden, Noah Barnhart and George Laidlaw, shall be the Provisional Directors of the said company, with power to open books for the subscription of stock therein, and generally to exercise the usual functions of Provisional Directors until such first elections ; and such first election

Provisional
directors ap-
pointed.

Election of
President and
Directors.

election of the President, Vice-President and Directors shall be made at a general meeting of the stockholders of the said company to be held for that purpose at the city of Toronto, so soon as one-half the capital stock of the said company shall have been subscribed for, and after such notice thereof shall have been given as is hereinafter required for special general meetings of stockholders in the said company; and at such meeting, five directors, two of whom shall be the President and Vice-President, shall be elected to hold office until the first Wednesday in the month of March then next following; and after such first election the stock, real estate, property, affairs and concerns of the said company, shall be managed and conducted by five directors to be annually elected by the stockholders, at a meeting of stockholders to be held for that purpose on the first Wednesday of the said month of March in each year, notice of which annual meeting shall be given in the manner hereinafter mentioned; and no person shall be President, Vice-President, or a Director of the said company unless he be the proprietor of at least five shares of stock therein.

Mode of elec-
tion of Presi-
dent and Di-
rectors.

13. Such meeting shall be held and such election made by such of the stockholders of the said company as shall attend for that purpose in their own proper persons or by proxy; and all elections for such President, Vice-President and Directors shall be by ballot, and the person who shall have the greatest number of votes at any such election shall be President, and the person who shall have the next greatest number of votes shall be Vice-President, and the three persons who shall have the next greatest number of votes shall be Directors; and if it shall happen at any such election that two or more persons shall have an equal number of votes in such manner that a greater number of persons than five, including the President and Vice-President, shall by a majority of votes appear to be chosen Directors, then the said stockholders hereinbefore authorized to hold such election, shall proceed to ascertain by ballot which of the said persons so having an equal number of votes shall be a director or directors as aforesaid, to complete the whole number of five as aforesaid; and if any vacancy shall at any time happen among the directors by death, resignation, or otherwise, such vacancy shall be filled for the remainder of the year in which it may happen, and until the then next annual meeting for the election of directors, by a person to be elected by the stockholders in manner aforesaid at a special general meeting thereof duly called for that purpose.

Election on
default of elec-
tion as ap-
pointed.

14. In case it shall at any time happen that an election of President, Vice-President and Directors shall not be made on any day when pursuant to this Act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any subsequent day to make and hold an election of President, Vice-President and Directors, in such manner as shall have been

been regulated by the By-laws of the said corporation, and the previous Directors shall in every case hold office until the election of their successors.

15. Special general meetings of the Stockholders may be convened on the requisition of any two Directors, or of a Stockholder or Stockholders possessing fifty shares of the stock of the said corporation; and notice of such meetings and of the annual meetings of the said corporation shall be held to be validly given if inserted three times as an advertisement in any two newspapers published in the city of Toronto, and in the *Ontario Gazette*, the first of which insertions shall be at least ten days previous to the day fixed for such meeting.

Special general meeting and notice thereof.

16. The President, Vice-President and Directors for the time being, or the major part of them, shall from time to time have power to make such by-laws, rules and regulations as to them shall appear needful and proper for the purposes of this Act, to wit :—

Power to make by-laws.

For the direction, conduct and government of the said corporation, and of its property, real and personal, and its improvement and regulation throughout the year ;

For the appointment, regulation and removal of the officers, clerks and servants of the said corporation ;

For regulating the mode in which all contracts are to be entered into and executed on behalf of the said corporation ;

And finally, for the doing of everything necessary to carry out the provisions of this Act according to their intent and spirit ; Provided always, that such by-laws shall have no force or effect until sanctioned by a majority of Stockholders present, in person or by proxy, at any annual or other general meeting.

17. The said corporation shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods or commodities as the persons to whom such charges were originally due had upon such goods or commodities while in their possession, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Power as to charges on goods coming into their possession.

18. It shall be the duty of the President, Vice-President and Directors to make annual dividends of so much of the profits of the said company as to them, or a majority of them, shall seem advisable ; and once in each year an exact and particular statement shall be rendered by them of the state of the affairs, debts, credits, profits and losses of the said corporation ; and such statements shall appear on the books, and be open for the perusal of any Stockholder, upon request, at least one month before the annual meeting of the said company.

Annual dividends and annual statement.

Liability of
stockholders.

19. No Stockholder in the said corporation shall be in any manner whatsoever liable for or charged with the payment of any debt or demand due by the said corporation beyond the amount remaining unpaid of his, her or their subscribed share or shares in the capital stock of the said corporation.

Returns to be
made to the
Legislature.

20. The said company shall be liable to render a statement of their affairs, if required, from time to time by the Legislature of Ontario.

CAP. XLIX.

An Act to Incorporate "The Ontario Peat Company."

[Assented to 24th December, 1869.]

Preamble.

WHEREAS certain persons have, by their petition, prayed that they may be incorporated under the title of "The Ontario Peat Company," for the purpose of manufacturing peat fuel in the Townships of Humberstone and Wainfleet, in the County of Welland, and of transporting the same to a market, by means of a canal or rail or tramways, or both, connecting the peat beds with the navigable waters of the Welland Canal, or with any Railway in the vicinity thereof; and whereas it is expedient to grant the prayer of the petitioners; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. John C. T. Cochrane, E. A. C. Pew, George E. Desbarats Alfred Todd, W. C. Smillie, Gustavus W. Wicksteed, John F. Taylor, Sen., Charles T. Bate, Edmund A. Meredith, Larratt W. Smith, John Fiske, H. S. Howland, the Honourable George Brown, and such other persons as now are or hereafter shall become shareholders of the said Company, shall be, and they are hereby made and constituted a body corporate and politic, by and under the name of "The Ontario Peat Company."

Corporate
name.

Capital and
shares.

2. The capital stock of the Company shall be one hundred and twenty thousand dollars, in shares of fifty dollars each.

Commence-
ment of opera-
tions.

3. The Company may commence operations, and exercise the powers hereby granted, so soon as thirty thousand dollars of the capital stock shall be subscribed, and ten per cent thereon paid up.

Power to con-
struct railway
or tramway,
and take land
therefor.

4. The Company is hereby authorized and empowered to construct, maintain and use a double or single railway or tramway of wood or iron, or both, and a canal with all necessary locks,

locks, dams, wharves, piers and booms, from any point in the Townships of Humberstone or Wainfleet to the navigable waters of the Welland Canal, or to connect with any railway in the County of Welland, and may take any land required for the right of way of said railway or tramway, and for the construction of the said canal, at a fair valuation, under the provisions of the eleventh section of the Railway Act, in that behalf, headed "Lands and their valuation," which shall apply to this Company; and the said Company shall likewise possess all the powers with respect to wharves and piers, in connection with their works, and with respect to water courses, and public or private lands, which are granted to Mining Companies by the Act respecting Mining Companies, chapter sixty-four of the Consolidated Statutes of Canada, the provisions of which last recited Act are hereby incorporated with this Act, in so far as they are not inconsistent with the same.

Provisions of
Con. Stat.
Can., ch. 64,
incorporated
with this Act.

5. The affairs of the Company shall be under the control of, and shall be managed and conducted by a board, to consist of not less than three nor more than nine Directors, three of whom shall form a quorum. The Directors to be elected under the provisions of this Act, shall each be a stockholder of the Company to an amount of not less than one thousand dollars, or such other sum as may be established by any by-law of the Company, and shall be elected on the first Tuesday in February of every year, after that in which the Company first goes into operation, at the office of the Company, and all such elections shall be by ballot, by plurality of the votes of the stockholders present or by proxy, such proxies being shareholders.

Directors, and
when and how
elected.

6. At all general meetings of the Company, each shareholder present in person or by proxy shall be entitled to a number of votes proportioned to the number of shares which shall have been held in his name at least one month prior to the time of voting, according to the following rates, that is to say: at the rate of one vote for each share not exceeding four, five votes for six shares, six votes for eight shares, seven votes for ten shares, and one vote for every five shares above ten; but no shareholder shall be entitled to more than forty votes; nor shall any share entitle the holder to a vote, unless all calls then made thereon have been fully paid.

Scale of votes.

7. Henry S. Howland, John Fiskien, Larratt W. Smith, Alfred Todd and Edward A. C. Pew shall be the first Directors of the said Company, and shall severally hold their offices until the first election of Directors; which first election may take place so soon as the amount of stock is subscribed, and the per centage thereon paid up, which is prescribed in the third section of this Act; and for the purposes of this election, the Directors herein named, may appoint any time and place in the City of Toronto or in the City of Ottawa, where such election may be held, by ballot as aforesaid, by giving ten days previous notice, to be published

Provisional
Directors.

published in one or more of the daily papers in either of said cities, and in the *Ontario Gazette*, at least three several times, as also by notice mailed to the address of each shareholder.

President.

8. The Directors, herein named, as well as those hereafter to be elected, shall, as soon as may be, elect one of their number to be President; the elected Directors shall continue in office one year, or until others shall be chosen to fill their places; and if any vacancy shall at any time occur in the office of President or Director, the remaining Directors shall fill up such vacancy for the remainder of the year; the President shall have a vote as Director at all meetings of the board, and, in case of a tie, shall have the casting vote likewise, but no Director shall vote by proxy.

Vacancies.

Failure of Election.

9. If the election of Directors be not made on the day appointed by this Act, the Company shall not, for that reason, be dissolved, but the stockholders may hold the election on any other day in the manner provided for by any by-law previously passed, either by the Directors or stockholders for that purpose; and the Directors then in office shall continue in office and exercise all the powers of Directors until their successors shall be elected.

Sale of peat, &c.

10. The Company may sell and dispose of peat and other articles produced in carrying out the purposes mentioned in the preamble, and any other article acquired in exchange therefor, or used or acquired for carrying on the business, and no longer required by them; and they may become parties to promissory notes and bills of exchange, of not less than one hundred dollars each, in such manner as may be provided by their by-laws, without its being necessary that their corporate seal should be thereunto affixed; and no officer of the Company signing the same or affixing the corporate seal in accordance with the by-laws of the Company, shall thereby incur any personal liability; and the Company shall have power to do all things requisite to the lawful carrying on of the business thereof; Provided always that nothing in this section shall be construed to authorize the Company to issue notes or bills of exchange payable to bearer, intended to be circulated as money, or as the notes or bills of a bank.

Promissory notes.

Powers of Directors.

11. The Directors of the Company shall have power and authority to make, amend, repeal and re-enact all such by-laws, rules, resolutions and regulations as shall appear to them proper and necessary, touching the well ordering of the Company; the number of its directors, their qualification and a quorum thereof; the making of calls, and the recovery of money due for the same; the acquisition, arrangement and disposition of its stock, property and effects, and of its affairs and business; the entering into arrangements and contracts with Municipalities or other Corporations or individuals, and the signing and

and execution of notes, bills and instruments not requiring the corporate seal of the Company, and the affixing of such seal to those which may require it; the declaration and payment of dividends; the form and issuing of stock certificates, transfers and registration; the allotment and forfeiture of stock; the calling of special and general meetings of the Company; the form of proxies for voting at meetings of the Company; the appointment, removal and remuneration of all officers, agents, clerks, workmen and servants of the Company; and generally to do all things that may be necessary to carry out the objects and exercise the powers incident to the Company.

12. Any copy of any by-law or by-laws of the Company purporting to be signed and certified as a true copy thereof by the President, or one of the Directors of the Company, and under the seal of the Company, shall be *prima facie* evidence of such by-law or by-laws; and in any action to recover any call on the stock of the Company, it shall be sufficient to allege and prove that the call was made in the manner provided by the by-laws of the Company, that the defendant is the owner of one or more shares on which the call was made, and that the amount sued for is due to the Company accordingly; and it shall not be necessary to allege or prove any other matter or thing whatsoever.

Proof of By-laws.

13. The Company may purchase, lease, hold, acquire and transfer all real and personal estate, necessary for carrying on the operations of the Company, and for transporting its fuel, manufactures or other property; and any stock paid up in part or in full, which may have been taken by parties conveying land to the Company, in part payment for such land, shall be held to have been so paid up in cash, for the purposes of the third section of this Act.

The Company may acquire land.

14. The stock of the Company shall be deemed personal estate, and shall be transferable in such way as the Directors shall by by-law direct.

Stock personal property.

15. The Company is hereby authorized to increase their capital stock whenever a majority of the stockholders, called as provided in the Act relating to Joint Stock Companies, chapter sixty-three of the Consolidated Statutes of Canada, section thirty-nine, shall decide to make such increase; and the provisions of the said Act for increasing the capital stock, from section thirty-nine to section forty-six, both inclusive, are hereby incorporated with this Act in so far as they are not inconsistent with the same.

Increasing capital.

Certain provisions of ch. 63, Con. Stat. to apply.

16. The Directors of the Company may from time to time borrow for the purposes of the Company, any sum or sums of money by the issue of bonds or debentures, in sums of not less than one hundred dollars, on such terms as they may think proper, and issue debentures,

Company may borrow money to a certain amount, and issue debentures,

and mortgage
property.

proper, and may pledge all the property, or income of the property of the Company, or any part thereof, for the repayment of the money so raised or borrowed, and the payment of the interest thereon; Provided always that the consent of three-fourths in value of the stockholders of the Company shall be first had and obtained at a special meeting to be called and held for that purpose; And provided also, that the said Company shall not at any time borrow any sum or sums in the whole exceeding the amount of the capital stock then paid up.

Powers of ex-
tension,

17. The Company shall have power to extend their peat excavations, canal, or railway tracks, upon, along and across any of the unoccupied road allowances in the immediate vicinity of their works, with the consent of the Municipalities within which or between which, said road allowances may be situated; and the said Municipalities are hereby authorized to enter into agreements with the Company for the granting of so much of said road allowances as may be required in the manufacture and transportation of peat fuel, or for other purposes. The Municipalities of the townships of Humberstone and Wainfleet, or of the County of Welland, are hereby authorized to promote the objects of this Company, either by taking stock in or granting a bonus to it, or by exempting the property of the Company from taxation to any extent they may deem advisable; and the said Municipalities may enter into arrangements with the said Company for the drainage of lands in the said townships, by means of the canals and other excavations of the said Company.

where and
how exercised.

Powers to
Municipali-
ties.

Power to make
arrangements
for transport.

18. The Company may enter into arrangements with any water Transportation Company or Railway Company for the transportation of peat and manufactures, and the purchase and sale or towage or haulage of boats, barges and cars.

Head-office of
Company.

19. The Company may establish its head office either in the city of Toronto or Ottawa, or in the County of Welland.

CAP. L.

An Act to amend the Act of Incorporation of the Cobourg Cemetery Company, and to extend to said Company the provisions of Chapter sixty-seven of the Consolidated Statutes for Upper Canada, and for other purposes.

[Assented to 24th December, 1869.]

WHEREAS the provisions of the Act, Chapter sixty-seven of the Consolidated Statutes for Upper Canada, known as the "Cemetery Act," are limited to cemeteries located without the

the limits of the corporations of cities and towns, and the Cobourg Cemetery Company, and others, inhabitants of the town of Cobourg, have petitioned that the same may be made applicable to the Cobourg Cemetery Company, located within the limits of the corporation of Cobourg, and it is desirable that said prayer may be granted; and whereas, the title of the lands occupied by the Cobourg Cemetery Company, was in the late Thomas Dumble, the younger, who died intestate, and who purchased said lands solely with the intent, and upon the agreement of conveying the same to the said Cobourg Cemetery Company; and whereas, the money so paid by Thomas Dumble, the younger, for said lands has been repaid since his decease, to his legal representatives; and it is desirable that said agreement and intentions in accordance with the petitions of the representatives and relatives of the said Thomas Dumble, the younger, and of the Cobourg Cemetery Company should be carried into effect; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. That all the powers and provisions of the said “Act respecting Companies for the establishment of Cemeteries in Upper Canada” shall apply to the said “Cobourg Cemetery Company” as fully and perfectly as if the lands of the same were situated without the limits of the corporation of the town of Cobourg.

Con. Stat. U.
C., ch. 67 to
apply to lands
of Cobourg
Cemetery Co.

2. That Hester Ann Dumble, widow, and administratrix, and David W. Dumble, brother, and administrator of the estate of the late Thomas Dumble, the younger, shall be, and are hereby authorized and empowered to convey in fee simple, the plot of land purchased by the said Thomas Dumble, the younger, for cemetery purposes, to the Cobourg Cemetery Company, and such conveyance shall vest in the said Cobourg Cemetery Company all the title and interest in the said land that was vested in the said Thomas Dumble, the younger, at the time of his death.

Power to convey land of the late T. Dumble to the Cobourg Cemetery Co.

CAP. LI.

An Act to Incorporate The Weston Church School.

[Assented to 24th December, 1869.]

WHEREAS it has been represented to the Legislature of this Province that the Reverend William Arthur Johnson has established a school in the village of Weston under the title of “The Weston Church School”; and whereas it would tend greatly to extend and perpetuate the usefulness of the said school that it should be incorporated; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1.

Corporate
body to be cal-
led "The Wes-
ton Church
School."

Trustees.

1. There shall be, and there is hereby constituted and established in the village of Weston, in the Province of Ontario, a body politic and corporate, under the name of "The Weston Church School," which corporation shall consist of the said Reverend William Arthur Johnson, the Reverend William Francis Checkley, A.M., James Bovell, Esquire, M.D., George Kingston, A.M. and Thomas Moss, A.M., who shall be the trustees of the corporation, and shall have the control, management and government thereof, and shall also have power to make rules and regulations, not contrary to law or the provisions of this Act, for the government and management of the said corporation and the affairs and property thereof, as also for the guidance of themselves, the said trustees, in the execution of their duties; and all acts and doings of a majority of the said trustees shall be of the same force and effect as if all of them had joined in such acts or doings.

Power to ac-
quire and sell
real estate.

2. Such corporation shall have power at all times hereafter to purchase, acquire, hold, possess and enjoy such lands and tenements as may be necessary for the actual use and occupation of the said corporation, and the same to sell, alienate and dispose of, and others in their stead to purchase, acquire and hold, for the use and purpose aforesaid: Provided always, that the annual value of the real estate held by it at any one time shall not exceed the sum of five thousand dollars current money of this Province.

Appointment
of new trus-
tees.

3. In case of any vacancy or vacancies occurring in the number of the said trustees by death, resignation, or otherwise, such vacancy or vacancies shall be filled up in such manner as may be provided in the rules and regulations of the said corporation.

Returns to be
made when
required.

4. The said corporation shall at all times when thereunto required by the Lieutenant-Governor or by the Legislative Assembly of this Province, make a full and exact return of its property, real and personal, and of its receipts and expenditure for such period, and with such details and other information as the Lieutenant-Governor or Legislative Assembly may require.

CAP. LII.

An Act to Incorporate the Nazrey Institute.

[Assented to 24th December, 1869.]

Preamble.

WHEREAS the ministers and members of the British Methodist Episcopal Church in Canada and others, have long labored in those portions of Her Majesty's North American possessions known as the Dominion of Canada, for the educa-
tion

tion and spiritual welfare of their people therein; and it is deemed expedient to institute a system of education and instruction whereby the youth of the country may be liberally taught; and whereas application hath been made to incorporate the Nazrey Institute, in order to promote the above-named objects, and it is desired that the said school should be conducted on the industrial plan: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. That there shall be, and there is hereby constituted and established in the township of Chatham, in the county of Kent, and Province of Ontario, a body politic and corporate, under the name of the Nazrey Institute, which corporation shall consist of the Reverend Willis Nazrey, of the township of Chatham, in the Province of Ontario, the Reverend Benjamin Stewart, and the Reverend Walter H. Hawkins, Isaac Holden and John William Taylor, of the town of Chatham, in the Province of Ontario, the Reverend Richard R. Disney and the Reverend Robert Miller, of the town of St. Catharines, in the Province aforesaid, the Reverend George R. Blount, of the city of London, in the said Province, the Reverend William J. Buller, of the village of Bronte, in the said Province, and the Reverend Charles A. Washington, of the town of Windsor, in the Province aforesaid, and William Chandler, James Ramsay, James C. Willmore and Henry Baynard, of the township of Chatham aforesaid, yeomen, with such other and additional persons as from time to time may become associated with them, or, by the constitution of the said corporation, may become members thereof; and the said persons shall be the trustees of the corporation, and shall have the control, management and government thereof during their continuance in office; and shall also have power to make rules and regulations, not contrary to law or the provisions of this Act, for the government and management of the said corporation, and the affairs and property thereof as well as the affairs and property relating to the said trustees in the execution of their duties: and all acts and doings of a majority of the said trustees, or their said successors, shall be of the same force and effect as if all of them had joined in such acts or doings.

Trustees appointed with corporate powers.

2. The said corporation shall have power to purchase, acquire, hold, possess and enjoy the north half of lot number four, in the sixth concession of the said township of Chatham, containing one hundred acres of land more or less, and all such other lands and tenements as may be necessary for the actual use and occupation of the said corporation, and the same to sell, alienate and dispose of, and others in their stead to purchase, acquire and hold for the use and purposes aforesaid: Provided always that the annual value of the real estate, held by the said corporation at any one time, shall not exceed the sum of three thousand dollars lawful money of this Province.

Power to purchase, hold and sell certain lands.

Government
and adminis-
tration.

3. The said corporation shall at all times be governed and administered under the authority of the British Methodist Episcopal Church in the Dominion of Canada.

Appointment
of new trus-
tees.

4. In case of any vacancy or vacancies occurring in the number of the said trustees by death, resignation or otherwise, such vacancy or vacancies shall or may be filled up in such manner as may be provided in the rules and regulations of the said corporation; it being the intention of this Act that the appointment of the trustees above named shall not be permanent, but that the same shall from time to time take place in such manner as shall be provided by the rules and regulations of the said corporation.

Returns to be
made of pro-
perty, etc.,
when required.

5. The said corporation shall at all times, when thereunto required by the Lieutenant-Governor or the Legislature, make a full return of its property, real and personal, and of its receipts and expenditure for such period, and with such details and other information, as the Lieutenant-Governor or the Legislature may require.

Liability of
shareholders.

6. Any proprietor or holder of any share or interest in the capital of the said corporation is hereby declared to be free from any individual or personal liability, beyond the unpaid amount of any share or shares held by him, in respect of the debts, engagements, or obligations of the said corporation.

CAP. LIII.

An Act to amend the Act incorporating the Wesleyan Female College of Hamilton.

[Assented to 24th December, 1869.]

Preamble.

WHEREAS the president and directors of the Wesleyan Female College of Hamilton have, by their petition, represented that a clerical error exists in section eight of their Act of incorporation, which it is desirable should be amended, and also that a number of persons have subscribed for stock in the said corporation, who, after the notices required by the said Act have been given, have neglected and refused to pay the calls appointed to be paid by the directors, and have prayed that their Act of incorporation may be amended by altering the clerical error, and by giving the directors the usual power to forfeit any shares whereon such payment has not been made, and it is expedient to grant the prayer of the petitioners; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Statute passed in the Session held in the twenty-fourth year of the reign of Her Majesty, chaptered one hundred and twelve, entitled "An Act to incorporate the Wesleyan Female College of Hamilton," shall be, and the same is hereby amended by striking out the word "director" used in the eighth section of the said Act, and inserting in place thereof the word "shareholder;" and by inserting between the second and third sections of the said Act the following clause which, shall be taken and read as part and parcel of the said Act :

24 Vic., ch. 112, s. 8 amended by substituting "shareholder" for "director."

Insertion of clause between s.s. 2 and 3.

If after such demand or notice as is required by the next preceding section, or as by the by-laws of the corporation may be prescribed, any call made upon any share or shares be not paid within such time as by such by-laws may be limited in that behalf, the directors in their discretion by resolution to that effect, reciting the facts and the same being duly recorded in their minutes, may summarily forfeit any share or shares whereon such payment is not made, and the same shall thereupon become the property of the corporation and may be disposed of as by by-law or otherwise they shall ordain.

Shares may be forfeited by directors, if calls are not paid up.

CAP. LIV.

An Act to Incorporate the Ottawa Ladies' College.

[Assented to 24th December, 1869.]

WHEREAS the Reverend William Moore, the Reverend Daniel M. Gordon, George McLean Rose, William Minore, P. Le Sueur, John Leggo, C. Leggo, J. Sweetland, George Hay, J. T. Pennock, Alexander Mutchmore, Alexander S. Woodburn, John Rochester, junior, John P. Featherston, Henry McCormick, James A. Grant, W. C. Smilley, Samuel Christie, and the Honorable Malcolm Cameron, by their petition in this behalf, have represented that a number of citizens of the city of Ottawa, and other residents of Canada, have agreed to associate themselves together, provisionally, for the purpose of establishing and conducting a seminary of learning of a collegiate character for the education of female youth, and have opened subscription books, and subscribed for stock in the said Association, and the said petitioners have prayed to be incorporated under the name of The Ottawa Ladies' College; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

Preamble.

1. The Reverend William Moore, the Reverend Daniel M. Gordon, George McLean Rose, William Minore, P. Le Sueur, John

Incorporation.

John Leggo, C. Leggo, J. Sweetland, George Hay, J. T. Pennock, Alexander Mutchmore, Alexander S. Woodburn, John Rochester, junior, John P. Featherston, Henry McCormick, James A. Grant, W. C. Smiley, Samuel Christie, and the Honorable Malcolm Cameron, and such other persons as now are or shall hereafter become shareholders of the said undertaking, are hereby constituted a body corporate and politic, under the name of "The Ottawa Ladies' College," and by the said name they and their successors shall and may have continued succession, and shall be capable in law of contracting and being contracted with, and of suing and being sued, pleading and being impleaded in all courts or places whatsoever, in law or equity, and they and their successors shall and may have a common seal, and may change or alter the same, and may also from time to time, at any ordinary meeting of the managers, by a majority of votes as hereinafter provided, ordain, establish, and put in execution such by-laws, ordinary rules and regulations, (the same not being contrary to this Act, or to the laws in force in the Province), as may appear to them necessary or expedient for the management of the said corporation, its business and affairs, and may from time to time, alter or repeal the same, or any of them, and shall have power to accept on behalf of the said corporation, gifts and endowments for promoting objects of education, science, and literature, or otherwise, in aid of the general purposes of the said corporation, on such terms as may be agreed upon with the persons bestowing such gift or endowment, and shall also be in law capable of acquiring by purchase, lease, mortgage or otherwise, and of absolutely or conditionally holding any lands, tenements, real or immovable estate, and the same to alienate, let, release, mortgage, transfer and dispose of; Provided always that nothing herein contained shall be considered as permission to hold any real estate, beyond what may be necessary for the said corporation to hold for its own immediate accommodation in relation to the purposes for which the said corporation is authorised, or such as shall have been *bona fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted, or purchased at sales upon judgments which shall have been obtained for such debts, and provided further that the said corporation shall be bound to sell or dispose of any real estate so purchased or conveyed to them, (except such as may be necessary as aforesaid for the convenient carrying on of the undertaking) within seven years after acquiring the same.

Limitation as
to acquiring
realty.

Capital stock.

2. The capital stock of the said corporation shall, until otherwise determined as hereinafter provided, consist of the sum of fifty thousand dollars, divided into two thousand five hundred shares of twenty dollars each, and shall be paid by such instalments, and at such times and places, as the managers of the said corporation shall appoint, after notice of not less than one calendar month in that behalf to be previously given
by

Calls.

by publication once in each week in one or more of the public newspapers published in the city of Ottawa, as well as by circular letters addressed and mailed to every shareholder at his last named place of residence; and in case any shareholder shall neglect or refuse to pay the same, the corporation are hereby empowered to sue for and recover the same, with interest at six per cent. per annum from the time appointed to pay the same.

3. The corporation may commence operations and exercise the powers hereby granted, so soon as twenty thousand dollars of the said stock shall be subscribed, and twenty per cent. thereof paid up. When operations may commence.

4. The parties hereby appointed managers of the said corporation are hereby empowered to take all necessary steps for opening the stock books for the subscription of parties desirous of becoming shareholders in the said undertaking; and all parties who have subscribed, or who shall hereafter subscribe to the capital stock of the said association, shall be considered proprietors and partners in the same; Provided that parties who have already subscribed for stock in the said association shall be liable to pay calls thereon, to be made under this Act, without any fresh subscription of stock. Stock books, subscription and partnership.

5. The said corporation shall have power and legal authority to establish and maintain an institution of learning, to be called by the said name of "The Ottawa Ladies' College," for the education of female youth, and direct and manage the same for the purposes of education, in the various branches of literature and science in such manner as they shall deem most conducive to that end. Educational powers.

6. The affairs of the said corporation shall be conducted by a board of fifteen managers, to consist of a president, two vice presidents, and twelve managers; and until the election hereinafter provided takes place, the following shall be officers and managers, viz: Ezra B. Eddy shall be president, John Rochester and James G. Robinson, vice presidents, and George Hay, Henry F. Bronson, John R. Booth, James T. Pennock, William C. Smillie, Joseph M. Currier, Robert Blackburn, George McLean Rose, John Leggo, John Sweetland, Daniel M. Gordon and William Moore, managers. Managers.

7. A general meeting of the shareholders of the said corporation shall be held in the city of Ottawa, at the office of the said corporation, on the first Monday in the month of July, in the year of our Lord one thousand eight hundred and seventy, and on the first Monday of the month of July in each year thereafter. At such first general meeting the shareholders present shall elect the president, vice presidents, and managers of the said corporation, who shall each be proprietors of five shares, at least, in the capital stock of the said corporation. Shareholders' general meetings.

Secretary and
treasurer,
election of.

8. The managers shall appoint a secretary and treasurer, (the latter of whom shall give security for the due and faithful performance of his office), and shall also appoint all intermediate officers.

Voting.

9. At all meetings of the proprietors each shareholder may cast one vote for every share held by him, and every question shall be determined by the majority of votes present at such meeting.

Special general
meetings, how
called.

10. Every meeting of shareholders, other than an ordinary meeting, shall be called a "special general meeting," and such meetings may be convened by the managers at such times, and at such places, as they may think fit; and a special general meeting of the proprietors at large shall be convened at any time by the managers, on a requisition of any ten proprietors requiring them to do so, and such requisition shall fully express the object of the meeting, and shall be left with the secretary, and if the managers shall fail to call a meeting within fourteen days thereafter, such proprietors may call a meeting by giving notice as hereinafter mentioned, provided that no special general meeting shall enter upon business not set forth in such requisition and notice.

Notice of meet-
ings.

11. Ten days' notice of all meetings of shareholders shall be given by mailing circulars addressed to the shareholders at their last known place of residence, which shall specify the place, day and hour of such meeting.

Nine share-
holders a quor-
um,

12. At all general meetings nine proprietors shall form a quorum.

Chairman.

13. At every meeting the president, or in his absence, one of the vice presidents, or in the absence of both, one of the managers who shall be elected by a majority of the proprietors present, shall be chairman, and such chairman shall have not only a deliberate vote but also a casting vote in case of equality in all matters before the meeting.

Adjournment
of meeting.

14. Every meeting of the stockholders may be adjourned from time to time, and no business shall be done at an adjourned meeting, other than the business left unfinished at the last meeting from which such adjournment took place.

Votes by
proxy.

15. Every person entitled to vote, may in writing constitute any other proprietor his or her proxy to vote at such meeting, and every such appointment shall be produced to the secretary, and entered into a book; Provided always that such authority shall bear date within twelve calendar months of the time of the meeting at which it is produced.

Filling vacan-

16. If any of the managers resign, or become incompetent
or

or ineligible to act, or cease to be a proprietor, a special general meeting of the shareholders shall be called to fill the vacancy.

17. The president, vice presidents, and managers shall have the management of the affairs of the corporation; they shall organize and put in operation, and carry on the institution of learning for which the corporation is authorised; they may make and enforce calls upon shareholders; they shall fix the salaries of the principal, teachers, and other officers or servants; they shall take control of, and may vary, repeal, and make all the regulations relating to the management, government, and discipline of the said institution, its services, studies, lectures, exercises, and instructions; provided always that no religious test shall be required of any pupil or officer; they may make any payments, and enter into all contracts for the purposes of the corporation; they may generally deal with, treat, sell and dispose of and acquire the lands, property, and effects of the said corporation for the time being, in such manner as they shall deem expedient and conducive to the benefit of the corporation; they may appoint and displace the principal and all such officers, professors, teachers, agents or servants, as they shall deem requisite for the management and care of the property and affairs of the corporation; they may make by-laws for the regulation of the affairs of the corporation; but all the powers so to be exercised shall be in accordance with, and subject to the provisions of this Act, and the exercise of all such powers shall be subject to the control and regulation of any general meeting, but not so as to render invalid any act done by the managers prior to any resolution passed by such general meeting.

18. The managers shall hold meetings at such times and places as they shall appoint for that purpose, and they may meet and adjourn as they think proper; and at any time three of the managers may require the secretary to call a meeting of the managers; and in order to constitute such meetings there shall be present at least eight of the managers; and all questions shall be determined by a majority of votes, and no manager, except the chairman, shall have more than one vote, but the chairman shall have a casting vote. The president or one of the vice presidents, or in their absence, a manager to be chosen, shall preside.

19. The shares of the said capital stock shall not be transferred until paid up, unless such transfer shall be sanctioned by the managers, and duly registered by the secretary in the transfer book; and no person shall sell or transfer any stock until he shall have paid all calls for the time being due on any share held by him.

20. The managers may enforce payment of all calls and interest thereon by action in any competent court; and in such action

action it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is holder of one share or more, stating the number, and is indebted in the sum of money to which the calls in arrear amount, in respect of one call or more, stating the number of calls and the amount of each, whereby an action hath accrued to the corporation under this Act; and a certificate under their seal, and purporting to be signed by an officer of the corporation, to the effect that the defendant is a shareholder and that so much is due by him and unpaid thereon, shall be received in all courts of law and equity as *prima facie* evidence to that effect.

By-law to increase capital stock.

21. The managers, if they see fit at any time after the whole capital shall be subscribed for, may make a by-law for increasing the capital stock to the amount of one hundred thousand dollars; but no such by-law shall have any force or effect whatsoever until after it shall have been sanctioned by a vote of not less than two-thirds in amount of all the stockholders at a general meeting of the corporation duly called for the purpose of considering such by-law, and such by-law shall declare the number and value of the shares of such new stock and prescribe the manner in which the same shall be allotted, and in default of so doing the control of such allotment shall be held to vest in the managers.

Secretary to keep books, contents.

22. The secretary shall cause a book or books to be kept wherein shall be recorded :—

(1.) A correct copy of the prospectus or declaration, and original stock list referring to the same, as also every by-law and supplementary declaration for increasing the capital stock;

(2.) The names, alphabetically arranged, of all persons who are or have been proprietors;

(3.) The address and calling of every such person while such proprietor;

(4.) The number of shares held by each;

(5.) The amounts paid in and unpaid respectively by each proprietor;

(6.) All transfers or surrenders of stock in their order as presented to the company for entry, with the date and other particulars of each transfer;

(7.) The names, addresses and callings of all persons who are or have been managers, with the date at which each became or ceased to be such manager.

Books to be

23. Such books shall, during reasonable business hours of every

every day, except Sundays and holidays, be kept open for the inspection of all proprietors and creditors of the said corporation or their representatives, at the office or chief place of business of the said corporation, and to make extracts therefrom. open to inspection.

24. Every contract, agreement, or engagement made on behalf of the corporation by any of its agents, officers or servants in general accordance with his powers as such under the by-laws, shall be binding upon the corporation; and in no case shall it be necessary to have the seal of the said corporation affixed thereto, nor shall the party so acting as agent, officer, or servant of the said corporation, be thereby subjected individually to any liability to any third party therefor: Provided always, that the corporation shall not be authorized to issue any note payable to bearer, or intended to be circulated as money or as the note of a bank. Contracts by agents. &c.

25. Each of the said proprietors or shareholders, until the whole of his stock shall have been paid up, shall be individually liable to the creditors of the corporation to an amount equal to that not paid up thereon, but shall not be liable to an action by any creditor before an execution against the corporation has been returned unsatisfied in whole or in part, and the amount due on such execution shall be the amount recoverable with costs against such proprietors. Liability of shareholders till shares paid up.

26. The proprietors in the said corporation shall not as such be held responsible for any act, default, or liability whatsoever of the said corporation, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever relating to, or connected with the corporation, beyond the amount of their respective shares in the capital stock therein. Liability of shareholders limited to amount of shares.

27. The said corporation shall at all times when thereunto required by the Lieutenant-Governor, or by the Legislative Assembly, make a full return of all its property, real and personal, and of its liabilities, receipts and expenditure, to the Lieutenant-Governor or Legislative Assembly requiring, for such period, and with such details and other information as the Lieutenant-Governor or the Legislative Assembly may require. Returns to the Legislature.

CAP. IV.

An Act respecting the Primitive Methodist Connexion.

[Assented to 24th December, 1869.]

WHEREAS the Conference of the Primitive Methodist Connexion in the Province of Ontario have by their petition represented that expense and delay is occasioned in disposing Preamble.

posing of property held by Trustees of the said Connexion by reason of the provisions of the Consolidated Statute of Upper Canada, chaptered sixty-nine, and also, that doubts are entertained as to whether the Primitive Methodist Connexion in Great Britain has not power to control or dispose of the real property in Ontario of the said Primitive Methodist Connexion in Ontario, notwithstanding such property was acquired with funds of, or as the gift of, members in Ontario of the said Connexion in Ontario, and have prayed that it may be declared that such power shall not exist, and that the necessity for such expense and delay in disposing of property may be avoided: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

As regards the Connexion, Con. Stat. ch. 69, ss. 9 and 10, repealed and s. 8 varied,

1. That so far as regards the Primitive Methodist Connexion in Ontario, and the real estate held by or in trust for such Connexion, or for the purposes thereof, and alienable by force of the said Consolidated Statute or otherwise, sections nine and ten of the said Consolidated Statute are hereby repealed; and section eight thereof is varied by striking out all words after the word "may" in the fourth line, and substituting therefor the words following: "sell by private sale or public auction, with and on the written authority of the Conference for the time being of the said Primitive Methodist Connexion in Ontario, or such other authority as by the rules and regulations in force in such Connexion from time to time may be requisite; but where the sale is at public auction, the Trustees shall not be obliged to complete or carry a sale into effect, if in their judgment an adequate price is not offered."

and s. 6 varied.

2. So far as regards the said Connexion and real estate, section six of the said Statute is varied by striking out all words prior to the word "nor" in the fifth line, and substituting therefor the words following: "but the Trustees shall not so lease without the written authority of the Conference for the time being of the said Primitive Methodist Connexion in Ontario, or such other authority as by the rules and regulations in force in such Connexion from time to time may be requisite."

Purchasers, &c., not bound to enquire as to preliminaries to sale, &c.

3. A *bona fide* lessee, mortgagee, or purchaser for value shall not be bound to see or enquire whether the circumstances have arisen or occurred which warrant, or by the said Statute, or this Act, are made precedent to, a lease, mortgage or sale, or conveyance thereon, either as to the purpose for which a mortgage may be granted, consent, necessity for retention or disposal of the property, notice of intended sale, or as to the validity of the appointment of Trustees, or of the Conference for the time being, or otherwise.

Certain lands not to be subject to the

4. The real estate now held, or hereafter to be held, by or in trust for, or for the purposes of the said Primitive Methodist Connexion

Connexion in this Province, acquired with funds of, or as the gift of members in Ontario of the said Primitive Methodist Connexion in Ontario, and the proceeds of such real estate shall not be subject to the control or power of disposal of the Primitive Methodist Connexion in Great Britain.

control of the
Connexion in
Great Britain.

CAP. LVI.

An Act to confirm and legalize a sale and conveyance by The Church Society of the Diocese of Huron, of certain premises in the Town of Galt, to the Reverend Michael Boomer, D. D.

[Assented to 24th December, 1869.]

WHEREAS The Church Society of the Diocese of Huron have by their petition represented that the land hereinafter referred to had been conveyed to them as a site for a parsonage in connection with Trinity Church, Galt; that a building had been erected thereon intended for a parsonage, but which was not found suitable for the purpose, and that in pursuance of the wishes of the congregation of Trinity Church aforesaid, the said society had sold and conveyed, as far as they legally or equitably could do so, the said land and premises to The Reverend Michael Boomer, for the sum of six thousand dollars, and praying that an Act might be passed confirming and legalizing such sale and conveyance as aforesaid; Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The said sale and conveyance of The Church Society of the Diocese of Huron, to and in favour of the Reverend Michael Boomer, D. D., of the Town of Galt, in the County of Waterloo, which conveyance bears date the first day of July, one thousand eight hundred and sixty-nine, and is registered in the Registry Office for the said county as number one thousand eight hundred and fifteen at seven minutes past ten of the clock in the forenoon of the ninth day of November, in the year of Our Lord one thousand eight hundred and sixty-nine, is in every particular legalized and confirmed.

Conveyance
by Church
Society to
Rev. M.
Boomer con-
firmed.

CAP. LVII.

An Act to authorize the Church Society of the Diocese of Huron to sell certain Church land in the township of Goderich.

[Assented to 24th December, 1869.]

Preamble.

WHEREAS the Church Society of the diocese of Huron have in pursuance of the wishes of the English Church of St. George, in the town of Goderich, expressed by a resolution of the vestry of said church, petitioned for an Act to authorize the said society to sell that part of the River Maitland Falls Reserve in the township of Goderich, in the county of Huron, by deed dated the third day of June, one thousand eight hundred and sixty-three, and registered in the registry office for the said county on the twenty-seventh day of December, one thousand eight hundred and sixty-five, in volume three for the said township, folio two hundred and six, granted by the Canada Company to the said society as a glebe for the said church of St. George; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to sell certain land in Goderich.

1. The Church Society of the diocese of Huron may sell and dispose absolutely of said land or of any part thereof; and shall have and hold the proceeds arising therefrom after paying thereout all the expenses attending the management thereof, towards the endowment of St. George's Church aforesaid; but no purchaser shall be liable for the application of any money paid by him on any sale under the provisions of this Act.

Purchasers not to be liable for application of purchase money.

CAP. LVIII.

An Act to authorize the Trustees of the McNab Street Wesleyan Methodist Church, in the City of Hamilton, to sell and convey certain Real Estate vested in them, and to apply the proceeds in payment for another Church.

[Assented to 24th December, 1869.]

Preamble.

WHEREAS the Rev. John Potts, chairman, Edward Jackson, Dennis Moore, William Boice, Edward Gurney and Archibald McCallum, all of the City of Hamilton, trustees of the congregation of the McNab Street Wesleyan Methodist Church, of the City of Hamilton, have, by their petition, set forth that the said trustees hold certain real estate, to wit: all that parcel
of

of land and premises situate on the north-east corner of McNab and Merrick streets, in the said City of Hamilton, known as the McNab street Wesleyan Methodist Church property, and the premises and appurtenances thereunto belonging, and which is more particularly described in a certain deed of conveyance made by one David Kirkendall, of said City of Hamilton, gentleman, of the first part, and one Thomas Taylor, of the City of Hamilton, carpenter, one John Taylor, of the City of Hamilton, carpenter, the said Dennis Moore, the said Edward Jackson, and one William Orr, of the City of Hamilton, tallow chandler, as trustees of the Wesleyan Methodist Church in Canada, of the second part, and bearing date the twentieth day of October, in the year of our Lord one thousand eight hundred and forty-five, and registered in the registry office for the county of Wentworth, the twenty-second day of June, in the year of our Lord one thousand eight hundred and forty-six; and whereas, through mistake or inadvertence, the consideration in said deed was expressed to be five shillings, whereby said deed appears to have been a voluntary conveyance, and the land therein contained to have been a free gift for special purposes, the real consideration for the same having been the sum of one hundred and sixty-two pounds ten shillings; and whereas said trustees are desirous of selling said church property, and of applying the proceeds from such sale towards the payment of a new church erected for the congregation formerly worshipping on said premises, but are unable to do so by reason of the Act of Parliament passed in the twelfth year of the reign of Her Majesty Queen Victoria, by the Parliament of Canada, and chaptered ninety-two; and whereas it is expedient to grant the said trustees, the petitioners aforesaid and their successors in office, or a majority of them, power to sell and convey the said lands and premises, and to apply the proceeds thereof as they desire: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. All that certain parcel of land and premises situate on the north-east corner of McNab and Merrick streets, and mentioned and described in the said deed of conveyance above referred to, and being situate in the City of Hamilton, in the county of Wentworth, containing by admeasurement five thousand four hundred square feet, be the same more or less, and being composed of part of lot number eight, in block number five, in that part of the City of Hamilton laid out into town lots by the said David Kirkendall, and being butted and bounded, or may be known as follows, that is to say:—Commencing at the intersection of the easterly limits of McNab street, and the northerly limits of Merrick street, in the said survey; thence along McNab street on a course north eighteen degrees east, sixty feet; thence south sixty-nine degrees ten minutes east, parallel with said Merrick street, ninety feet; thence south eighteen degrees west, sixty feet more or less, to the northerly limits of Merrick

Certain lands
vested in Ed-
ward Jackson
and others, as
trustees.

Merrick street aforesaid ; thence north sixty-nine degrees ten minutes west, ninety feet more or less, to the place of beginning, with all the rights and appurtenances thereto belonging, are hereby vested in Edward Jackson, of the City of Hamilton, esquire, Dennis Moore, of the City of Hamilton, merchant, William Boice, of the City of Hamilton, merchant, Edward Gurney, of the City of Hamilton, merchant, and Archibald McCallum, of the City of Hamilton, teacher, under the name of the "Trustees of the McNab street Wesleyan Methodist Church, Hamilton," and their successors in office, to be chosen and appointed in pursuance of and according to the terms and directions of a certain indenture, bearing date the twenty-fourth day of May, in the year of our Lord one thousand eight hundred and fifty, and made between Joseph Bloor, of the village of Yorkville, in the county of York, and his wife, and the trustees of the Wesleyan Methodist Church of the village of Yorkville, and registered in the registry office for the county of York, and which deed is known as the model deed of the Wesleyan Methodist Church in Canada, in fee simple, to hold upon similar trusts and for similar uses and purposes, as those set forth in the said model deed, subject, however, to the conditions and provisoes contained in the original grant thereof from the Crown, and also to any incumbrance existing upon the same.

Power to trustees to sell.

2. The said "Trustees of the McNab street Wesleyan Methodist Church, Hamilton," and their successors in office, or a majority of them, are hereby authorized and empowered to sell the land and premises above mentioned and described, any thing in the said deed or in the Act of Parliament passed in the twelfth year of Her Majesty's reign, by the Parliament of Canada, and chaptered ninety-two, to the contrary notwithstanding, and to convey the same, whenever it is deemed by the said trustees, and their successors in office, or a majority of them, advisable to do so, and to apply the proceeds thereof in the payment for a new church ; and the purchaser or purchasers of the said property from the said trustees, and their successors in office, or a majority of them, shall not be in any way bound to see to the application, or be answerable for the non-application or misapplication of the purchase money, or any part thereof ; but the receipt of the said trustees, and their successors in office, or such of them as join in the said conveyance, shall be a sufficient discharge of the same.

Purchasers need not see to application of purchase money.

CAP. LIX.

An Act to appoint Trustees for certain Lands belonging to the Presbyterian Church, in connection with the Church of Scotland, in the Townships of Dummer and Asphodel, in the County of Peterborough.

[Assented to 24th December, 1869.]

WHEREAS it hath been made to appear by the petition of Preamble. the Rev. Daniel James Macdonnell, Moderator of the Presbytery of Victoria, and the Rev. Robert Dobie, clerk of the said Presbytery, the said Presbytery being a Presbytery of the Presbyterian Church of Canada in connection with the Church of Scotland, that by letters patent bearing date the twenty-first day of February, one thousand eight hundred and forty-eight, certain land in the township of Asphodel, in the county of Peterborough, within the bounds of the said Presbytery, the same being lots thirteen and fourteen, in the twelfth concession of the said township of Asphodel, were granted to John Hope and others, and their successors, for ever, in trust as a glebe for the members of the Presbyterian Church (in connection with the Church of Scotland); but the said letters patent did not provide any manner of appointing successors to the said trustees, and in consequence there is great danger of the members of the said Presbyterian Church being deprived of the use of the said lands; and also that by certain other letters patent, bearing date the ninth day of January, one thousand eight hundred and forty-seven, certain land in the township of Dummer, in the said county of Peterborough, the same being the west half of lot number six, in the fourth concession of the said township of Dummer, was granted to Ninian Forsyth and others, and their successors, for ever, in trust, as an endowment or glebe for the Presbyterian congregation in the said township of Dummer, in connection with the said Church of Scotland; and although the said last mentioned letters patent made certain provisions for the appointment of new and succeeding trustees, there is now no evidence that such provisions have been properly acted on, and it is impossible to say who are trustees, or that any new trustee or trustees have ever been appointed with the formalities requisite; and it is desirable to vest the said lands in new trustees, and to provide for the appointment of their successors in office: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said lots, and all the estate and interest therein of the original trustees named in each of the aforesaid letters patent, shall, by virtue of this Act, be and are hereby declared to be vested in fee simple in Robert Dennistoun, John Carnegie, the

Appointment
of new trustees.

the younger, and Robert Romaine, all of the town of Peterborough, in the said county, Esquires, David Rose, of the said township of Dummer, and Alexander Nesbitt, of the township of Otonabee, in the said county, farmers, and their successors in office, to be appointed as hereinafter provided, in trust for the support and maintenance of ministers or missionaries of the said Presbyterian Church in connection with the Church of Scotland.

Vacancies in the office of trustee, how filled up.

2. That when any of the said trustees shall happen to die, or be desirous of being discharged from the powers and trusts in them reposed, or become incapable of acting in the same, or cease to reside in the Province of Ontario, then the Presbytery of Victoria, or any existing Presbytery in connection with the said church, within whose bounds the said townships of Asphodel, Dummer, and Otonabee are situated, may from time to time appoint any fit and proper person or persons, being a layman or laymen, and resident within the bounds of the said Presbytery, as a trustee or trustees, as vacancies may happen; Provided always that at least two of the said five trustees shall be resident in the said townships of Asphodel, Dummer, or Otonabee when any appointment or appointments are made; and every appointment when made by the said Presbytery shall be entered in the records of the said Presbytery; and a certificate of such appointment signed by the Moderator and Clerk of the said Presbytery from time to time, and at any time, shall be sufficient evidence of such appointment having been duly made.

Two of the trustees to be resident in Asphodel, Dummer, or Otonabee, appointment to be recorded, &c.

Con. Stat., ch. 69, ss. 4, 5, 6, and 7 to apply to this Act.

3. The said trustees shall and may from time to time have and exercise the rights and privileges conferred by the fourth, fifth, six and seventh sections of chapter sixty-nine of the Consolidated Statutes of Upper Canada, as if the same were incorporated in and formed part of this Act.

Powers to sell and invest proceeds.

4. It shall be lawful to and for the said trustees, or a majority of them, to sell and convey the said lots, or any or either of them, or any part or parts of any or either of them, in fee simple, free from any trust or trusts; and to invest the proceeds, when received, in the public securities of the Dominion of Canada, or Province of Ontario, Municipal Debentures, or other securities to be held on the like trusts; and any sale or sales may be made on such terms as to the payment of the purchase moneys, as the said Trustees or a majority of them see fit, and a mortgage or mortgages may be taken for any balance of purchase money and interest; and the said investments may be realized, changed or altered from time to time, as the Trustees or a majority of them see fit.

Existing leases exempted.

5. This Act shall not affect or interfere with the rights of any party or parties under existing leases of any part of any of the said property.

CAP. LX.

An Act to authorize the Trustees of the Presbyterian Church, in the Township of Finch, in the County of Stormont, in connection with the Church of Scotland, to sell Lot number Fourteen in the Fifth Concession of the said Township.

[Assented to 24th December, 1869.]

WHEREAS Hugh Archy McMillan, Donald G. B. Cameron, Preamble.
and John McMillan, Trustees of the Presbyterian Church in the Township of Finch, in the County of Stormont, in connection with the Church of Scotland, and John Davidson, Moderator of the Presbytery of Glengarry, have by their Petition to the Legislature prayed that the said Trustees be empowered to sell and dispose of lot number fourteen, in the fifth concession of the said Township of Finch, and to apply the proceeds of such sale for the purpose of purchasing another lot, or for purposes connected with the interests of the congregation adhering to the said Church; and whereas it is expedient to grant the prayer of the said Petition; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. That the said Hugh Archy McMillan, Donald G. B. Cameron, and John McMillan, Trustees of the Presbyterian Church in the township of Finch, in the County of Stormont, in connection with the Church of Scotland, and the survivor or survivors of them, or their successors in office, shall have full power and authority to contract to sell and to sell the said lot, in one or several parcels, from time to time, at private sale or by public auction, for cash or on credit, secured in such manner as to them seem fit, with power to buy in at any auction or auctions, and re-sell, and rescind or vary any sale or contract for sale that may have been entered into, and re-sell without being responsible for any loss or deficiency thereon, and on any sale or sales, conveyances execute and deliver, and the consideration money demand and receive, and to release all mortgages or other securities that may be given for the purchase money or any part thereof.

Power to Trustees to sell lot 14 in 5th con. of Finch.

2. The vendors shall apply the proceeds of such sale or sales in the purchase of other lands or in such other manner as they may deem best for the interests of the congregation adhering to the said Church; Provided always, that the purchaser or purchasers shall not be liable to see to the application of the moneys arising from the sale of the said lot or of any part thereof.

Application of proceeds of sale.

3. Nothing in this Act contained shall be construed to affect any rights of any other person or persons in respect of the said lands.

This Act not to affect the rights of other persons.
CAP.

CAP. LXI.

An Act to empower the Ottawa Mechanics' Institute and Athenæum, and the Ottawa Natural History Society to amalgamate into one corporate body under the name of "The Ottawa Literary and Scientific Society."

[Assented to 24th December, 1869.]

Preamble.

WHEREAS the Ottawa Mechanics' Institute and the Ottawa Natural History Society have, by their petition, represented that they are two separate corporations existing in the City of Ottawa for cognate purposes, to wit, the cultivation of literature and science; and that the members of the said two societies have respectively passed resolutions for their amalgamation into one body, and they have prayed that an Act may be passed, enabling them to consummate such amalgamation; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

The Institute, Athenæum and Society dissolved and reconstituted as a corporation;

1. The said Ottawa Mechanics' Institute and Athenæum, and Ottawa Natural History Society are hereby dissolved, and the present members of the said Ottawa Mechanics' Institute and Athenæum, and of the Ottawa Natural History Society, and such other persons as may hereafter become members under this Act, shall be and they are hereby constituted a body politic and corporate by the name of "The Ottawa Literary and Scientific Society;" and by that name shall have perpetual succession and all the powers vested in corporations generally by the Interpretation Act, and shall have power to purchase, take, receive, hold and enjoy such real estate as may be required for the actual occupation of the said corporation, and to alienate, sell, convey, lease and otherwise dispose of the same, or any part thereof, from time to time, as occasion may require, and to acquire other in the stead thereof; Provided always that the clear annual value of the real estate held by the said corporation at any one time shall not exceed five thousand dollars.

powers of.

The property, etc., of former corporations vested in the present corporation.

2. The property, claims, demands of and debts due to either of the said two corporations at the time of the passing of this Act shall be and are hereby vested in the corporation hereby constituted, and the said corporation shall be liable for all debts, obligations and liabilities of either of the said corporations.

Officers and management.

3. The affairs and business of the said corporation shall be managed by a council composed of a president, a first and a second vice-president, a secretary, a treasurer, a librarian, a curator, and three

three other members, to be elected at the annual meeting of the members, in accordance with the by-laws framed as hereinafter set forth; and any three members of the said council, called together in accordance with the said by-laws, shall form a quorum for the transaction of business.

4. The members of the corporation hereby constituted shall, within one month after the passing of this Act, be called together by the presidents of the two societies hereby amalgamated at the time of the passing of this Act, or in case of the death or absence from the Province of either of them, then by the other of them, and in case of the death or absence as aforesaid of both, then by any three members of the corporation hereby constituted, in such manner and with such notice as they or he shall see fit, for the purpose of framing a code of by-laws for the government of the said corporation; and such by-laws as may at such meeting, by a majority of the members then and there present, be agreed upon, shall be the by-laws of the corporation hereby created, subject to alteration, repeal and amendment as hereinafter provided; and at such meeting the persons or one of the persons calling the same, or if no such person be present, then such member of the corporation as shall be designated by the majority of the members present shall preside, and may adjourn the meeting to a future day, if necessary, for the completion of the business commenced thereat.

By-laws, how enacted.

5. It shall be lawful for the said corporation to repeal or amend the said by-laws, or any of them, from time to time, in accordance with the provisions of the by-laws of the corporation in that behalf; Provided that no by-law shall be valid until it shall have been approved at the said first meeting, or at an adjournment thereof, or at a regular meeting of the society, of which due notice shall have been given, and at which not less than seven members shall be present.

By-laws, how repealed,

confirmation of.

6. The present officers of the two societies shall be the council of the corporation hereby constituted until other officers shall be elected according to the said by-laws.

Present officers continued.

7. The said corporation shall at all times, when required so to do by the Lieutenant-Governor, or by the Legislative Assembly, make a full return of all property, real or personal, held by it, with such details and information as may be by the Lieutenant-Governor or the Legislative Assembly demanded.

Return of property, etc.

8. In any action to which the corporation may be a party, any member or officer of the corporation shall be a competent witness; and a copy of any such by-laws or by-law as aforesaid bearing the seal of the corporation and the signature of some person purporting to have affixed such seal by authority of the corporation, shall be *prima facie* evidence of such by-law.

Evidence by member, and of by-laws.

Evidence of
membership.

9. Any roll or list of members purporting to be signed by any person to the intent that he may become a member of the society, shall be *prima facie* evidence of such membership, and of his having taken upon himself all obligations and liabilities mentioned in any heading to the same.

CAP. LXII.

An Act to facilitate the withdrawal of the Town of Perth in the County of Lanark from the jurisdiction of the Council of the County of Lanark, and to provide for the liability of the Town for its share of the County debt.

[Assented to 24th December, 1869.]

Preamble.

WHEREAS a by-law was duly passed by the municipal council of the town of Perth, to withdraw the said town from the jurisdiction of the county council of the county of Lanark, and was assented to by the municipal electors of the said town, and it is found that the only existing debt of the said county is the debt contracted by the united counties of Lanark and Renfrew, under the Municipal Loan Fund Act, towards the payment of which the sum of five cents on the dollar on the assessed yearly value, or on the interest of the assessed value of the assessable property in the municipality requires yearly to be paid, until the whole of the said debt is extinguished, and the "Brockville and Ottawa Railway Company" to whom was loaned the money so borrowed from the said Fund, are bound to pay the said yearly charge; and whereas doubts have arisen whether under the terms of the "Municipal Institutions Act," the award of the arbitrators appointed under the said Act, should ascertain and define a certain proportion of the said debt as chargeable to the said town; and whereas the municipal council of the said town have petitioned that the liability of the town should remain and continue such as it now is under the "Municipal Loan Fund Act," and that no change or variation of any kind should be made in its liability thereunder, and that in order thereto all power to deal in any way with the said debt should be withdrawn from such arbitrators, and that the rights and liabilities of the said town with regard to the said debt, should continue to be regulated by the provisions of the statute in that behalf; and it is expedient to grant the prayer of the petitioners; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

In arbitrating
on the sum to
be paid by the

1. That the arbitrators in determining the amount payable annually by the town of Perth to the corporation of the county of

of Lanark, under the provisions of the "Municipal Institutions Act," shall not take into consideration anything relating to the "Municipal Loan Fund" debt of the county, or the amount which should be payable by the town respecting the same; but the same is hereby withdrawn from their consideration as if there did not exist any such debt of the said county, and their award shall be valid and binding, notwithstanding that the said debt be not taken into consideration therein.

town, the
Municipal
Loan Fund
debt not to be
considered.

2. The town of Perth shall at all times after the withdrawal thereof from the jurisdiction of the county council of the county Lanark, remain as before said withdrawal, subject to its share of the said debt above recited, and under the same liability relating thereto, as if the withdrawal had never taken place; and for all the rights, liabilities and remedies connected with the said debt, the said town shall be considered as at present under the jurisdiction of the said county council, and shall with all its municipal officers continue to be subject to the regulations of the "Consolidated Municipal Loan Fund Act," and all other statutes relating thereto.

The town to
continue liable
for Municipal
Loan Fund
debt.

CAP. LXIII.

An Act to divide the Township of Marysburgh into two Municipalities.

[Assented to 24th December, 1869.]

WHEREAS certain of the inhabitants of the Township of Marysburgh, in the County of Prince Edward, have by their petition represented that it would greatly promote the prosperity of the said Township to divide the same into two distinct Municipalities: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Upon from and after the first day of January, one thousand eight hundred and seventy-one, that part of the present Township of Marysburgh lying to the north-west of the road allowance, between the first and second Concessions, north of Black River, together with Waupoos Island, shall form and become for all Municipal and election purposes a separate and independent Township and Municipality to be called the Township of North Marysburgh, and shall be such separate Municipality for all Municipal, school, judicial and other purposes whatsoever, in the same manner to all intents and purposes as though the said North Western section of the Township of North Marysburgh had never formed part of the said Township; and the said Township of North Marysburgh hereby erected, shall enjoy and ex-

Marysburgh
divided for cer-
tain purposes
into

North Marys-
burgh,

ercise all the rights, powers and privileges conferred by any Acts or laws whatsoever upon Township Municipalities in the Province of Ontario.

South Marys-
burgh.

2. The part of the Township of Marysburgh, as heretofore constituted, lying to the south-east of said road allowance, shall, on and after the said day constitute a separate Township Municipality by the name of the Township of South Marysburgh; and shall enjoy and exercise all the rights and privileges conferred upon Township Municipalities by the Acts and laws in force in the Province of Ontario.

Certain sec-
tions of Mun-
icipal Act to
apply to this
Act.

3. The fifty-ninth, sixtieth, sixty-first, sixty-second, sixty-third and sixty-fourth sections of the Act respecting the Municipal Institutions of Upper Canada, shall apply to the division of the said Township as heretofore constituted.

Returning
Officers at
first Muni-
cipal election.

4. For the purposes of the first Municipal elections after the passing of this Act, Mr. John G. Hicks shall act as Returning Officer for the Township of South Marysburgh, and Mr. John H. Murney shall act as Returning Officer for the Township of North Marysburgh, and the said John G. Hicks and John H. Murney respectively shall procure for the purpose of such election the necessary copies of so much of the Collector's Roll of the Township of Marysburgh as relates to the inhabitants of the said new Townships respectively, as constituted by this Act; and the first Municipal election for the Township of South Marysburgh shall be held at such place in that Township as the Returning Officer therefor shall appoint by public notice, posted up at not less than four public places in the Township, at least eight days before the election; and the first Municipal election for the Township of North Marysburgh, shall be held at such place as the Returning Officer therefor shall appoint in the manner aforesaid; and notwithstanding the time fixed for this Act coming into force, the said Returning Officers respectively shall have authority to take such preliminary steps for holding the elections as the Municipal Laws in that behalf may direct.

Time for hold-
ing first Muni-
cipal election.

CAP. LXIV.

An Act to authorize the Corporation of the Township of Collingwood, in the County of Grey, to construct certain works and acquire certain lands at the mouth of Beaver River in the said Township.

[Assented to 24th December, 1869.]

Preamble.

WHEREAS the corporation of the township of Collingwood, in the county of Grey, have, by their petition, represented that there is no harbour at the mouth of Beaver River, on the

the Georgian Bay in the said township; and have prayed that authority may be given to them to construct certain works at the mouth of the said river, for the making and improvement of a harbour, and to acquire certain lands at or near the mouth of the said river for the purpose of erecting elevators, storehouses and other buildings for the storage of freight and other purposes in connection with the said works, and also to grant leases for the erection of elevators, storehouses and other buildings for the storage and transport of freight, and for other purposes in connection with said harbour; and whereas the improvements proposed to be made by the construction of such works will be of great benefit and advantage to the inhabitants of the said township and others; it is therefore expedient to grant the prayer of the said petition; and for the purpose of the said works, and for other purposes in connection therewith beneficial to the inhabitants of the said township, it is desirable to grant to and vest in the said corporation the lands hereinafter mentioned; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The same powers and authority are hereby given to the corporation of the township of Collingwood as are vested in the municipal corporations of counties, cities, towns and villages by the Acts respecting municipal institutions of this Province, to construct, extend and improve a harbour at the mouth of Beaver River in the said township, and to make, construct and erect a breakwater and wharf in the said harbour or river.

Authority to
construct
harbour,

2. The said corporation are authorized and empowered to pass a by-law or by-laws for raising such sums as shall be necessary to construct and complete the said works, and from time to time such further by-law or by-laws for raising such further sum or sums as may be necessary for the purposes aforesaid, not exceeding however, in the whole, the sum of ten thousand dollars; and such by-law or by-laws being first submitted to the rate-payers of the said township, in accordance with the provisions of the Municipal Act for the Province of Ontario, and in accordance with the said Act.

and to raise
money to
meet expenses.

3. It shall and may be lawful for a grant to be made to the said corporation of the township of Collingwood and their successors of the lands described in Schedule "A" to this Act, and it shall and may be lawful for the said corporation to hold the said lands for the purpose of making a harbour at the mouth of Beaver River aforesaid; and as to so much of the said lands as shall not be requisite or necessary for the purposes of a harbour, the said corporation and their successors may lease the same for the transport and storage of freight, or for such other purposes, and upon such terms as they may deem necessary for the interests of the inhabitants of the said township.

A grant of
certain lands
may be made
to the corpor-
ation of the
township of
Collingwood
for the har-
bour.

Act not to interfere with powers of Dominion Parliament.

4. That nothing in this Act shall be held to interfere in any wise with the power of the Dominion of Canada in relation to harbours.

SCHEDULE A.

Blocks A, B, C, D, E, F, G, H, I, J, K, L and M, on the margin of Georgian Bay and Beaver River, in front of the town plot of Tlornbury, in the county of Grey, according to the plan of survey of Thomas Donovan P. L. S., dated 31st August, 1869, and of record in the Department of Crown Lands; also, the ungranted portion of the mill reserve of the said town plot lying between the land heretofore granted by the Crown, and now the property of Messrs. T. & J. N. Andrews, and the Georgian Bay aforesaid; also, the road allowance laid out in the original survey of the Township of Collingwood, between lots thirty-three and thirty-four of the said township from Bay street, in the said town plot to the water's edge of the Georgian Bay aforesaid; and also the water lots on the said Georgian Bay in front of the said blocks and parcels of land to a depth of sixteen feet water.

CAP. LV.

An Act to enable the Corporation of the Town of Chatham to dispose of certain lands.

[Assented to 24th December, 1869.]

Preamble.

WHEREAS the lands hereinafter described, were on the third day of February, in the year of Our Lord one thousand eight hundred and fifty-three, granted to the Corporation of the Town of Chatham, and their successors, on trust for market purposes, and the said Corporation have, by their petition, represented that the said lands are unsuited for market purposes, and are suited for erection of buildings and business purposes, and have prayed for an Act to enable them to sell or lease the said lands as they deem advisable for the best interests of the said town, and apply the proceeds to the use of the said Corporation; and the said lands consist of lot or block lettered "Y," on the south side of McGregor's Creek, in the said town, containing a quarter of an acre of land known as follows: commencing on the north side of King Street, in the limit between lots lettered "Y" and "Z," thence north twenty-two degrees east, one chain and twenty links, more or less, to the water's edge of McGregor's Creek, thence easterly along the margin thereof to the limit between lots lettered "Y" and "X," thence southerly, twenty-two degrees west, one chain,

chain, more or less, to King Street aforesaid, thence north sixty-eight degrees west, three chains and thirteen links, more or less, to the place of beginning; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. That the trusts and special purposes whereon the grant from the Crown of the said lands was made to the said Corporation as aforesaid, be, and the same are, hereby annulled.

Trusts annulled.

2. That notwithstanding anything in the said grant contained, the said Corporation shall have the same power to sell, lease, convey, dispose of, and contract in regard to the said lands, and every part thereof, as any subject of Her Majesty has in regard to land possessed by him in fee simple absolute: Provided nothing herein contained, nor any thing to be done by the said Corporation in pursuance hereof, shall affect or prejudice the right or title of any person now interested in the said lands or any part thereof otherwise than as *cestui que trust* under the said grant.

Power to sell saving existing rights.

3. Every disposition of, or contract in regard to the said lands, or any part thereof, shall be under the seal of the said Corporation, and signed by the head and clerk thereof for the time being.

Sale, contract, etc., how executed.

4. The proceeds of any and every disposition by the said Corporation of the said lands under this Act shall be held and applied by it for the general uses thereof.

Proceeds of sale, how to be applied.

CAP. LXVI.

An Act to legalize, confirm and establish the re-survey of the Town of Chatham, in the Province of Ontario.

[Assented to 24th December, 1869.]

WHEREAS it appears by the petition of the Municipal Council of the town of Chatham, that the town plot of the town of Chatham was, prior to the year of our Lord one thousand eight hundred and sixty-four, a complication of surveys, and in order to properly define the limits of the said town, and the proper courses and boundaries of the streets, blocks and lots therein, the said the Municipal Corporation of the said town of Chatham caused a re-survey of the same to be made by one George Kirk, Esquire, Civil Engineer, and to be certified to by Albert Pellew Salter, Esquire, Provincial Land Surveyor, and caused durable stone monuments to be planted, indicating the

Preamble.

the boundaries of such streets, blocks and lots therein; and whereas the said the Municipal Corporation of the town of Chatham have prayed that the survey so made by the said George Kirk, Civil Engineer, and certified to by the said Albert Pellew Salter, Provincial Land Surveyor, may be legalized, confirmed and established by authority of the Legislature of the Province, as the true survey of the said town of Chatham, and it is expedient to grant their prayer: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Kirk's survey
of town of
Chatham con-
firmed.

1. The survey of the town of Chatham, in the county of Kent, and Province of Ontario, which was made by George Kirk, Civil Engineer, and certified to by Albert Pellew Salter, Provincial Land Surveyor, for the purpose of designating the proper boundaries of the blocks and streets in the said town of Chatham, of which survey the report and field notes, and a map based thereon, have all been duly returned to the office of the Commissioner of Crown Lands, shall be, and the same is hereby declared to be, the true and unalterable survey of the said town of Chatham.

CAP. LXVII.

An Act to legalize and confirm the Survey made by F. F. Passmore, Esquire, Provincial Land Surveyor, of the First, Second, Third and Fourth Concessions (old survey) of the Township of Melancthon, in the County of Grey.

[Assented to 24th December, 1869.]

Preamble.

WHEREAS, by the petition of the Corporation of the township of Melancthon, it appears that a resurvey of the first, second, third, and fourth concessions (old survey) of said township was directed to be made by said Corporation by F. F. Passmore, in order to more particularly define the boundaries of the lots in said concessions, the old stakes and other marks of bounds having disappeared, and the different lines and roads; and whereas the said resurvey has been made by the said F. F. Passmore, and a plan thereof filed in the office of the Commissioner of Crown Lands of the Province of Ontario; and whereas said petitioners have prayed that said survey and plan thereof may be legalized, confirmed and established by Act of the Legislature as the only true and legal survey and plan of said concessions of said township; and whereas it is expedient to grant the prayer of said petition; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.

1. The survey of the first, second, third, and fourth Concessions (old survey) of the township of Melancthon, in the county of Grey, which was made by F. F. Passmore, Esquire, Provincial Land Surveyor, for the purpose of more particularly defining the boundaries of the several lots in said concessions, and also for more particularly settling the different boundaries of roads, side lines, and the widths of the different lots in said Concessions, a plan of which is filed in the office of the Commissioner of Crown Lands, shall be, and the same is hereby declared to be the true and unalterable survey of the said Concessions of said township; and that the several lots in said Concessions shall be of the size, and shall bear the numbers and boundaries set forth in said survey, and according to said map or plan so filed as aforesaid.

Survey of certain Concessions in Melancthon by F. F. Passmore confirmed.

CAP. LXVIII.

An Act to confirm certain Side Roads in the Township of Tilbury East, and to provide for the defining of other road allowances and lines in the said Township.

[Assented to 24th December, 1869.]

WHEREAS the Municipal Council of the Township of Tilbury East have by their petition represented that the side roads between lots have been laid out in a straight line from the stake at one end of the concession to the other, and that sometimes there should have been a jog in the line as originally surveyed with double fronted concessions; that to alter the said lines of road now and place them on such allowances would hurt the roads very much in appearance, besides the actual loss of labour and money expended, and leave them subject to the uncertainties of litigation on road allowances; that it is most desirable therefore, that the side roads, where opened up and improved, should be confirmed and established for all future time upon the present lines, and they have prayed that Legislative provision be made for that purpose, and it is expedient to grant the prayer of their petition; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The several side roads in the said township, as laid out and improved and travelled upon lines formerly drawn for the respective road allowances for road, and as the same shall be hereafter defined on the ground, under the provisions of this Act, shall be and the same are hereby declared to be the true and unalterable government allowances for road, without regard to their direction, as being parallel or not to the governing

Certain side roads confirmed.

governing line of the concession, any law or usage to the contrary notwithstanding.

Survey to be made.

2. The Municipal Council of the township of Tilbury East, shall, within twelve months after the passing of this Act, cause such a survey of the township to be made, by a Provincial Land Surveyor, as will result in defining on the ground, the precise lines of the original side roads, and those laid out by the Township Council and the Council of the Western District, as the same have been opened up and now exist as aforesaid; and such surveyor shall define the same by permanent cut-stone monuments, properly marked, and planted at the front and rear angles of each concession; and shall deposit copies of the map and report of such survey in the office of the Commissioner of Crown Lands in Toronto, and in the Registry Office of the County of Kent respectively; and the council may impose and levy a rate upon the real property of the said township, to defray the expenses of such surveys, maps, and reports, and of the planting of such monuments; and such monuments so planted shall be deemed to be the true and original boundaries.

Copies of maps to be deposited in Registry and Crown Lands offices.

Rate for expenses.

After map of survey deposited, how future surveys shall be had.

3. From and after such survey being effected, and the maps and reports thereof being deposited as aforesaid, every survey which may be made of any line, or side road allowance which may not have been opened previous to the passing of this Act, or any division line or limit between lots in the said township, shall be drawn from the post or monument planted in the original survey at the front angle of such road allowance, or to mark the commencement of such line or limit, or should such original post or monument be lost, and no satisfactory evidence exist of the position of the same, the surveyor shall proceed, as in other similar cases, under the law in this behalf; the proper angle at the rear shall then be determined by giving the lots in that particular block between the monuments planted in the survey provided in the second section of this Act to mark the side-roads on either side thereof, the same breadth in proportion as they respectively possess on the front as found above pointed out, and the required line of side-road allowance or division line or limit shall be drawn through the concession from point to point so found; and all lines for side-line allowances, or division lines or limits so determined, shall be taken to be, and the same are hereby declared to be the true lines and limits thereof, any law or usage to the contrary in any wise notwithstanding.

Boundaries of aliquot portions of lots.

4. The boundaries or limits of any aliquot portion of a lot in any concession of the township shall be determined by giving such portion the proportionate length and width of the whole lot, as the latter shall have been ascertained in the manner directed by this Act.

The limits of

5. The several lots in the township granted by letters patent,

tent, and described by numbers or otherwise as certain lots in certain concessions, and heretofore intended to be bounded by lines drawn in accordance with the law respecting surveys in Upper Canada, and the boundary lines of which are intended to be fixed by this Act, shall be held to be the same several lots in the same several concessions, and shall be respectively represented by all the land contained between the limits thereof, as the same shall be correctly defined under this Act, whether the courses or distances of the said limits, as described in the letters patent granting the same, shall or shall not agree with the respective courses and distances of such limits, as defined under this Act upon the ground.

lots to be as
defined by
this Act.

CAP. LXIX.

An Act to authorize the closing of certain streets in Elora in conformity with a By-law of said Village.

[Assented to 24th December, 1869.]

WHEREAS the municipal council of the village of Elora, have, Preamble.
by their petition, set forth that the late William Gilkison, being the owner of part of broken lot number one, in the township of Nichol, now included within the limits of Elora, caused the same to be subdivided into certain park lots known as lots one, two, three, four, five and six on the east side of what is known as the Park Road or Mercer street, and as "The Reserve" on the west side of said road.

That the same having become subsequently vested in Daniel Mercer Gilkison, he in the year one thousand eight hundred and fifty-nine caused the same to be again subdivided into small lots, a plan whereof was filed in the registry office for the county.

That the said lands though so subdivided have remained ever since as an open common, and that taxes having accrued thereon, or on that portion lying to the east of Park Road from the year one thousand eight hundred and sixty to one thousand eight hundred and sixty four, inclusive, the same were advertised to be sold for such arrears, and were exposed for sale on the thirty-first day of December, in the year of our Lord one thousand eight hundred and sixty-six, and the several parcels from one to six inclusive, were purchased at such sale or adjournment thereof, by F. A. Ball, Esquire.

That previously to such sale, the said Daniel M. Gilkison had sold and conveyed the portion of the said lands lying to the east

east of Park Road, with the exception of six of such sub-division lots to Samuel Boies Smith, and that since his death his widow and devisee had executed a conveyance for the purpose of vesting in the said Samuel Boies Smith the whole of the said lots, together with the said streets, as far as she could do so at law or in equity, and that said Samuel Boies Smith had subsequently conveyed the same to said F. A. Ball.

That it was doubtful whether such tax sale was strictly legal, in consequence of the assessment having been imposed upon the Park lots notwithstanding such sub-division ; and that the registrar had declined to register the deeds thereof, in consequence of a plan of such sub-division being filed in his office.

That such sub-division lots were of but little value, and were liable to a large amount of taxes, and the property being in its present state almost valueless, it was desirable to have said sales declared valid.

That it was also desirable to have such plan and survey cancelled and the streets or some of them closed, and that a by-law had been passed by the council with that object ; but they were advised that they had no legal authority to pass the same, and that they were desirous of obtaining power to close the said streets and of legalizing said tax sale, so that the said lands might be occupied and improved, and return a revenue to the municipality, and it is expedient to grant the prayer of such petition ; therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Gilkison's survey partially annulled.

1. The plan and survey so made by the said Daniel M. Gilkison, is hereby vacated and avoided, so far as regards the lands lying to the east of Park Road, and so much of the land on the west of the Park Road as has been selected by the Wellington, Grey and Bruce Railway for their station grounds.

A certain sale for taxes confirmed. Registrar to register conveyances thereunder.

Compensation to certain persons.

2. The sale of the said lands for taxes is hereby confirmed, and it shall be lawful for the registrar of the county of Wellington, anything in the registration of titles (Ontario) Act to the contrary notwithstanding, to register the Sheriff's deed to the purchaser of the said Park lots as also the other conveyances above referred to ; Provided always that in the event of the owner or owners of the six sub-division lots before mentioned, being lots twenty-three, twenty-four, twenty-seven, fifty-six, fifty-seven and sixty, between Waterloo and Regent streets, making any claim for compensation within three years from the passing of this Act for said lots or any of them, the said Frederick A. Ball, his heirs or assigns, shall pay to such owner or owners of the said lots, the value thereof, to be fixed and determined by the Judge of the County Court of the County of Wellington.

CAP. LXX.

An Act to amend an Act passed in the Session held in the twenty-fourth year of Her Majesty's Reign, intituled, "An Act to consolidate the debt of the Town of Peterborough, and to authorize the issue of debentures on the security of town property and for other purposes."

[Assented to 24th December, 1869.]

WHEREAS the town council of the town of Peterborough, Preamble.
have, by their petition, represented that in and by the Statute of the late Province of Canada, twenty-four Victoria, Chapter sixty-one, "the commissioners of the Peterborough Town Trust" therein named and appointed, were constituted simply *trustees*, having no power to execute any lease or to do any act in which all of them did not concur, and that difficulties had occurred and might still occur, in carrying out the trusts set out in the said Act, in consequence of one or two of the said commissioners having it in their power by dissenting from the others, to prevent any act being done, by which the interests of the town of Peterborough were liable to be prejudiced, and have petitioned that an Act should be passed giving to a majority of the said commissioners, powers which are now only possessed by all of them together; and whereas the said petitioners should have power given to them to sell and absolutely dispose of all that part of the property of the corporation of the town of Peterborough, hereinafter particularly mentioned and described; and whereas the said petitioners have further in manner aforesaid represented, that owing to the increase of the school population in the said town of Peterborough, the present school building in the town has become insufficient for their accommodation, and have petitioned that they might be allowed to issue additional debentures under the authority of the Act hereinbefore referred to, to an amount not exceeding five thousand dollars, for the purpose of building one or more primary schools in the said town; and whereas the said petitioners have further in manner aforesaid represented, on the twenty-seventh day of September in the year of our Lord one thousand eight hundred and sixty-nine that they passed a by-law in relation to the Peterborough Gas Company, just then organized, and that such by-law contained provisions inconsistent with the Act hereinbefore referred to, and have petitioned that the said Act might be amended so as to make the said by-law effectual; and whereas it is expedient to grant the prayer of the said petition; Therefore her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

The Commissioners of the P. T. Trust to hold meetings, and a majority to be a quorum.

Business of the meetings.

Deeds to be executed by Chairman and Secretary.

Power to make by-laws, &c.

Power to sell and convey certain lands.

Terms of sale.

Application of proceeds of sale.

Interpretation of the words the Commissioners.

1. That the said, "The Commissioners of the Peterborough Town Trust," shall appoint a chairman, and may hold meetings from time to time, as occasion may require; and a majority of the said commissioners, at any of these meetings, shall be a quorum for the transaction of business; and in case of the regular chairman not being present at any meeting, the commissioners who are present thereat, shall appoint a chairman to preside thereat; and at these meetings all deeds, leases and instruments, and all matters, acts and things necessary in carrying out and effectuating the trusts, interests and purposes of the said above mentioned Act, and of this Act shall be executed, done, performed, or determined, or shall be ordered or directed to be executed, done or performed; and all deeds, leases and other instruments shall be executed by the chairman and secretary, with the assent of the majority of the said Commissioners, and shall be valid as fully and amply as if executed by all the commissioners.

2. And the said commissioners shall have power from time to time to make by-laws, rules and orders for their own governance, and for the conducting and carrying on of the business connected with the trusts in them reposed, as to them may seem best.

3. The said commissioners shall have power to sell and absolutely dispose of, and to grant and convey to the purchaser or purchasers, all the property of the corporation of the town of Peterborough, lying in the south end of the town, that is to say town lots numbers three and five south of Wolfe street and west of George street, and town lots numbers two, three, four five and six, north of Townsend street and west of George street, and also all that part of the town lying to the south of Townsend street; and the said lands may be sold in whole or in parcels by private sales, or by auction, for cash or on credit, or in such other manner as from time to time may seem best; and the said commissioners shall have power to receive all moneys accruing from such sales, to execute deeds and take mortgages, and to do or cause, or procure, or suffer to be done, all acts, deeds, matters and things necessary for the selling and absolutely disposing of the said lands or any of them, or any part thereof.

4. All moneys received from the sale or sales of the said property shall be applied in reduction of the debenture indebtedness of the town of Peterborough, in such manner as may from time to time seem most advisable, or may be paid over to the treasurer of the said town, if required by the town council.

5. "The commissioners," wheresoever mentioned in this Act, shall be taken to mean as well the commissioners now being as their successors in office under the Act hereinbefore quoted.

7. And it is further enacted, that notwithstanding anything contained in the said Act, passed in the twenty-fourth year of Her Majesty's reign, and intituled, "an Act to consolidate the debt of the town of Peterborough, and to authorize the issue of debentures on the security of town property, and for other purposes," it shall and may be lawful for the said council of the town of Peterborough to pass a by-law for the issue of debentures, to the further amount of five thousand dollars for common school purposes, in the same manner as in the said Act is mentioned; and which said debentures shall be subject to all the provisions therein contained, and shall in all respects be provided for and dealt with in the same manner as debentures issued under the authority of the said Act for the school therein called the Union School.

Town of Peterborough may issue additional debentures for \$5000 for school purposes.

8. The said debentures, when issued, shall be applied to the purposes mentioned in the preamble of this Act, and to and for no other purpose.

Application of debentures.

9. And it is further enacted and declared, that notwithstanding anything in the said Act contained, the by-law of the council of the town of Peterborough in the preamble hereto mentioned, in relation to the Peterborough Gas Company, and being by-law number two hundred and thirty-five of the said council, shall be for all purposes held and taken to be a good and lawful by-law, and is and shall be valid and binding upon the town of Peterborough, and all others concerned according to the terms thereof.

By-law No. 235 of the town of Peterborough confirmed.

CAP. LXXI.

An Act to exempt from Municipal Taxation for a certain period therein mentioned, a Sugar Refinery proposed to be erected in the City of Toronto.

[Assented to 24th December, 1869.]

WHEREAS John A. Aldwell, of the City of Toronto, Es-
quire, purposes to erect in the said City of Toronto, a
sugar refinery, at a cost of one hundred and twenty-five thou-
sand dollars, and has by his petition prayed that an Act may
be passed exempting the said sugar refinery from taxation for
a period of twenty-one years; and whereas the Corporation of
the City of Toronto hath, by petition, prayed that the said
sugar refinery, purposed to be erected by the said John A. Ald-
well, and other real and personal property connected there-
with, shall be exempt from taxation for the period of twenty-
one years: Therefore Her Majesty, by and with the advice and
consent

Preamble.

consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Sugar refinery,
etc., exempt
from local tax.

1. That any sugar refinery to be erected by John A. Aldwell in the said City of Toronto, and all real and personal property connected therewith, and the capital employed therein, shall be exempt from all municipal and other local taxation for a period of twenty-one years, provided the said sugar refinery be erected and in operation within three years from the passing of this Act; Provided also that the said sugar refinery and buildings shall be of brick, stone, or iron, and that the sum of one hundred and twenty-five thousand dollars be expended in the construction of said refinery, buildings, and machinery, as follows, the sum of forty-five thousand dollars in the year one thousand eight hundred and seventy, forty-five thousand dollars in the year one thousand eight hundred and seventy-one, and thirty-five thousand dollars in the year one thousand eight hundred and seventy-two; but nothing in this Act shall exempt from taxation any building at present erected which may be used in connection with said refinery; And provided further that it shall not be lawful for the said John A. Aldwell, his heirs or assigns, to use any of the refuse of the said refinery in the preparation of malt, or the manufacture of beer or ale, which the said John A. Aldwell, his heirs and assigns, are hereby prohibited from doing.

CAP. LXXII.

An Act to enable Donald Alexander Macdonald to construct a Canal in the Township of Kenyon.

[Assented to 24th December, 1869.]

Preamble.

WHEREAS Donald Alexander Macdonald, of the Village of Alexandria, in the County of Glengarry, in this Province, has for years past carried on milling operations on the River Garry, in the said county; and whereas the Reverend Alexander Macdonald, Donald McDougall, Alexander McKay, John Barnett, Peter Kennedy, C. Le Clair, Alexander McDonald, and others, have by their petitions represented that about the year one thousand eight hundred and eighteen the late deceased Right Reverend Bishop Macdonald erected mills in Alexandria, in the County of Glengarry, in the Province of Upper Canada; that at the time of, and for many years after the construction of said mills, the supply of water was sufficient to meet the wants and requirements of the country, but, as the country became cleared up, the supply from year to year became less, so much so, that the mills at present work only

only on an average seven months in the year; that the five months when there is no supply of water are those which prove of the greatest loss to the public, in consequence of which, the farmers are obliged to travel to Cornwall, a distance on an average of thirty miles; and whereas the said petitioners have further prayed that an Act be passed which will enable the said Donald Alexander Macdonald, the owner of said mills, to cut a canal, and erect dams and flumes to obtain a supply of water from Lake Garry, in the said county, by which a large majority of the inhabitants of the Counties of Glengarry and Prescott will be greatly accommodated; and it is expedient to grant the prayer of the said petitions; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The said Donald Alexander Macdonald, his heirs and assigns, may, on lots four and seven in the second concession of the township of Kenyon respectively, erect, maintain and at all times repair, on each lot a dam across the River Garry, and thereby dam back the waters of the said river on the same or any other lots to such extent as may be necessary to preserve and maintain a supply of water for the purposes of raising the waters by the dam on said lot seven to the height of eight feet eight inches and no more, and by the dam on said lot four to the height of six feet and no more, to the end and intent that thereby the said mills may be supplied with water at all seasons.

Dams may be erected across River Garry.

2. The said Donald Alexander Macdonald, his heirs and assigns, may, from said Lake Garry to the dam to be erected on said lot seven, cut a canal, for the purpose of supplying, and thereby supply, the pond or overflow to be caused by the said dam, with the waters of Lake Garry; Provided always that nothing herein contained shall authorize or permit the said Donald Alexander Macdonald, his heirs or assigns, to diminish the natural flow of the water in any other stream running from said Lake Garry.

A canal may be cut from Lake Garry.

3. The said Donald Alexander Macdonald, his heirs and assigns may from the dam to be erected on said lot seven, excavate a raceway and construct flumes, whereby to bring, and thereby may bring, to the said mills for the purposes thereof, the water that may be raised in the said pond or overflow caused by said dam.

A raceway may be made.

4. The said Donald Alexander Macdonald, his heirs and assigns, may, at all times maintain, repair, and re-erect, or reconstruct in manner as hereby authorized to be erected and constructed the said dams, canal, raceway and flumes; and to such extent as may be requisite for the purposes of carrying out any of the powers and authorities in this Act contained, the said Donald Alexander Macdonald, his heirs and assigns, may take, and

Powers to maintain, repair, reconstruct, etc.

and at all times hereafter, retain possession of any lands lying between said Lake Garry and said mills; and for greater certainty, but not so as to restrict any other or implied power arising under the authorities conferred by this Act, it is declared that the said Donald Alexander Macdonald, his heirs and assigns, may from time to time exercise the said authorities or any of them with agents, servants and workmen, and with the same, so far as may be requisite to carry out any of the said authorities, enter on all lands, and have free ingress, egress and regress to and from the said canal, dams, raceway and flumes, and every part thereof respectively.

Value of lands overflowed, and damages to be paid for,

lien for the amount.

Arbitration as to value of lands and damages.

5. The said Donald Alexander Macdonald, his heirs, executors, administrators or assigns, shall pay the persons respectively interested in the lands whereof possession shall be taken as aforesaid, or which may be overflowed by the said dams, or either of them, the value of such lands, and of all damages such persons respectively may sustain by reason of such overflowing, and of the construction of the said dams canal flumes and raceway, or either of them; and such persons respectively shall have a lien on the said lands for the amount thereof; and if any difference arise as to the value to be paid to such persons respectively, and the same is not or cannot otherwise be settled between the parties, it shall be settled by arbitration as follows:—The said Donald Alexander Macdonald, his heirs or assigns, shall, from time to time, as necessity arises for an arbitration with any of such persons, appoint in writing under the hand of him or them some disinterested person as arbitrator, and the person entitled to the value as aforesaid shall appoint in writing under his hand another disinterested person as arbitrator, and such arbitrators so appointed shall, in writing under their hands, appoint a third disinterested person as umpire, and the award in writing under the hands of such arbitrators and umpire, or the majority of them, as to the value of such land taken, or injury or damage done, shall be conclusive between the parties; and should either party fail to appoint an arbitrator within ten days after being required by the other party in writing so to do, the judge of the county court of the united counties of Stormont, Dundas and Glengarry shall appoint an arbitrator for the person so failing to appoint, and so in like manner, should the arbitrators appointed fail to agree upon or appoint an umpire within ten days after their appointment, the said judge shall appoint such umpire.

Power to Courts to set aside awards.

6. Either of the Superior Courts of Law or the Court of Chancery shall have power to set aside any award on like grounds and according to the same course of practice as if the parties had agreed in writing to arbitration.

Certain clauses of C. L. P. Act to apply to arbitrations.

7. Either of the said courts, or any judge thereof in chambers, shall have the same powers as to remission of the matter to be arbitrated upon, or any part thereof, as are contained in the

the one hundred and sixty-fourth section of the Common Law Procedure Act, and as to staying proceedings as are contained in the one hundred and sixty-seventh section of the said Act, and as to appointment of an arbitrator or umpire, revocation of appointment, enlargement, granting leave to revoke, commanding attendance and examination of witnesses, and otherwise, as are contained in the one hundred and sixty-eighth, one hundred and sixty-ninth, one hundred and seventy-second, one hundred and seventy-ninth and one hundred and eightieth sections of the said Act, in like manner and as if the parties had submitted in writing to a reference, and the submission had been made a rule of court.

8. The provisions of sections one hundred and sixty-four, one hundred and sixty-seven, one hundred and sixty-eight, one hundred and sixty-nine, one hundred and seventy, one hundred and seventy-one, one hundred and seventy-two, one hundred and seventy-three, one hundred and seventy-nine, one hundred and eighty, one hundred and eighty-one and one hundred and eighty-two, of the Common Law Procedure Act, shall apply to every arbitration under this Act as far as applicable; and for the purpose of making the same applicable, it shall be considered that the parties had submitted in writing to a reference, and that the submission had been made a rule of court, and that witnesses on the reference should be examined on oath.

Certain clauses
of C. L. P. Act
to apply to
arbitrations.

9. The witnesses to be heard on any reference under this Act shall be examined on oath.

Witnesses to
be sworn.

10. Nothing herein contained shall preclude the said Donald Alexander Macdonald, his heirs, executors, administrators or assigns, and any person entitled to such value and compensation as aforesaid, from submitting to arbitration as to such value and compensation in any other manner they think fit, in lieu of the proceedings given by this Act.

Parties may
arbitrate
otherwise than
under this Act.

CAP. LXXIII.

An Act to amend an Act intituled "An Act for the relief of the representatives of the late David B. Ogden Ford."

[Assented to 24th December, 1869.]

WHEREAS it is represented by the petition of David Ford Jones, of the village of Gananoque, in the county of Leeds, Nathan Cook Ford, of the village of Simcoe, in the county of Norfolk, Esquire, and Ogden Pulteney Ford, of the town of Port

Preamble.

Port Hope, in the county of Durham, gentleman, that by an Act of the late Province of Canada, being chapter one hundred and three of the Acts passed in the session held in the twenty-fifth year of the reign of Her Majesty, intituled "An Act for the relief of the representatives of the late David B. Ogden Ford," the said David Ford Jones, Nathan Cook Ford, and one Jean Minna Ford were empowered to sell, mortgage, lease, or otherwise dispose of the real estate of the said late David B. Ogden Ford therein mentioned; that said Jean Minna Ford had since died, and said Ogden Pulteney Ford, the eldest child of said David B. Ogden Ford had come of age; and that he the said Ogden Pulteney Ford was desirous of being constituted a trustee under said Act in the room and stead of said David Ford Jones, who was anxious to be relieved therefrom; and whereas it is expedient that the prayer of the petition should be granted; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

O. P. Ford appointed trustee instead of D. F. Jones.

1. That the said Ogden Pulteney Ford be and is hereby appointed a trustee under said Act in the room and stead of said David Ford Jones.

Powers conferred on D. F. Jones henceforth to cease.

2. That the powers conferred by said Act upon said David Ford Jones shall now and from henceforth cease, determine and become null and void.

and be vested in O. P. Ford.

3. That all power and authority which formerly vested in said David Ford Jones under said Act shall now and from henceforth be conferred upon and vest in said Ogden Pulteney Ford; Provided that nothing herein contained shall be construed to relieve the said David Ford Jones from any liability incurred by him under said recited Act.

25 Vic., ch. 105, amended.

4. That said Act be and is hereby amended by the insertion of the name Ogden Pulteney Ford instead of the name David Ford Jones wherever the latter name shall occur in the enacting clauses of said Act.

CAP. LXXIV.

An Act to provide for the conveyance of land sold by the late Zephaniah Swift More Hersey, and to authorize the sale of certain Village Lots belonging to his estate.

[Assented to 24th December, 1869.]

Preamble.

WHEREAS Caroline Maria Hersey, Sarah Amelia Lawlor, Elvira Clarinda Fay and others, have by their petition represented that the late Zephaniah Swift More Hersey died on

or about the twenty-third day of April, one thousand eight hundred and sixty-nine, intestate, leaving him surviving, his widow the said Caroline Maria Hersey and his children, the said Sarah Amelia, now the wife of Richard Lawlor, Elvira Clarinda, now the wife of Elliot Fay, Austin Alaric, William Albert, Cornelia Maria, Frederick Calvin and Adelia Mary, his heiresses and heirs-at-law; the two last named being infants within the age of twenty-one years; that the said Caroline Maria Hersey has been duly appointed administratrix of the estate of the said intestate; that during the life time of the said intestate, he sold and disposed or contracted to sell and dispose of divers parcels of land situate in the township and village of Hawkesbury, but of which parcels no conveyance can be made, in consequence of the infancy of the said Frederick Calvin and Adelia Mary Hersey; that it would be for the benefit of all parties concerned if the balances due in respect of the said sales could be received, and the shares belonging to the said infants invested for them, and conveyances made of the said parcels to the parties entitled thereto; that there are also certain other village lots which, being entirely vacant and unproductive, it is also desirable to have sold and the purchase money profitably invested: and whereas, the parcels so sold or contracted to be sold by the said intestate are the following:— Lots eleven, twelve, thirteen, fourteen, fifteen, sixteen, eighteen, twenty-two, twenty-five, twenty-six, twenty-seven, twenty-eight, thirty, forty, forty-one, forty-two, on the south side of main road, lots twenty and twenty-one on the north side of main road, lot J and lot K (west of bridge), said lots being in the said village of Hawkesbury, in the County of Prescott, and so numbered and described on the registered map of said village; also the south one hundred acres of lot number fifteen in the first Concession in the township of West Hawkesbury; and whereas, the village lots which it is desirable to sell as aforesaid are the following lots numbered three, four, five, six, seventeen, twenty-one, twenty-nine, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine and forty-three, on the south side of main road aforesaid, and lots fifteen, seventeen, eighteen and nineteen, on the north side of main road; Lots B, C, D, E and F, also part of lot G and the rear of lots H and I, on the north side of said main road, lots numbered X, Y and Z, on south side of said main road said lots being so numbered and described on the registered plan of said village; and whereas all of the parties above named have prayed that an Act may be passed, vesting in the said Caroline Maria Hersey the said several parcels of lands, for the purpose of enabling her to make conveyances of such parcels as have been sold or contracted to be sold as aforesaid, and to sell, dispose of, and convey the parcels secondly above described; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

The estate of
the late Z. M.
S. Hersey
transferred to
C. M. Hersey,
in trust,

1. All the estate, right, title, interest, property, claim and demand which the said intestate had at the date of his death, or which the said parties above named now have, in the lands and premises above described, is hereby transferred to and vested in the said Caroline Maria Hersey, her heirs and assigns forever, in trust;

to make conveyances,

(1.) To make good and sufficient conveyances of the estate and title of the said intestate, and of the said parties, in such parcels aforesaid as were sold or promised, or agreed to be sold during the life time of the said intestate, to such persons as may be entitled thereto, their heirs and assigns forever;

to sell,

(2.) To sell, dispose of, and convey, or agree to sell, dispose of, and convey all the estate and title of the said intestate, and of the said parties in the parcels secondly above described, or such parts thereof as she may deem expedient; and to make, execute, and deliver all such deeds as may be requisite; and to sell partly for cash, and partly on time, and take and receive from the purchaser or purchasers, mortgages to secure the due payment of the residue of the purchase money, and to release and discharge the same as occasion may arise;

to receive the
purchase
money,

(3.) To receive the purchase money due, or to become due in respect of the sales made as aforesaid by the said intestate, and to take and receive from the said purchasers mortgages to secure the balance of purchase money due by them, in cases where mortgages have not already been given, and to release and discharge the same as occasion may arise;

to pay over
and invest the
proceeds.

(4.) To distribute among and pay over to the adult children of the said intestate, the shares of the said purchase moneys to which they may by law be entitled, and to invest the shares of the said minors in real or Government securities under the sanction of the Judge of the County Court of the said Counties of Prescott and Russell; Provided that before the said Trustee shall exercise any of the powers herein given, she shall give security of the like nature as is required in cases of administration of the estate of intestates, to the satisfaction of the Judge of the said County Court, to be filed in the Surrogate of the said United Counties, for the due performance of the trusts aforesaid.

Provisions in
case of death,
etc., of Trustee.

2. In case of the death, removal from the Province, resignation, incapacity or unwillingness to act of the said Trustee before the complete fulfilment of the trust hereby enacted, it shall be lawful for the Judge of the said County Court, or one of the Judges of one of the Superior Courts at Toronto, on the written application of the said children, or any of them, to nominate and appoint some fit and proper person to be a Trustee in the stead of the said Trustee appointed by this Act; and such Trustee so nominated and appointed as aforesaid, shall have the same power

power to all intents and purposes, as if expressly named and appointed in and by this Act.

3. Nothing herein contained shall in any way affect the right to dower in the said lands, which the said Caroline Maria Hersey may have had at the death of the said intestate. The right of C. M. Hersey to dower not affected.

CAP. LXXV.

An Act to amend an Act passed in the Session held in the twenty-sixth year of the reign of Her Majesty Queen Victoria, and chaptered forty.

[Assented to 24th December, 1869.]

WHEREAS by an Act passed in the Session held in the twenty-sixth year of the reign of Her Majesty Queen Victoria and chaptered forty, intituled "An Act to authorize the sale of the immovable property of the late Harriot Judith Hart," the curator of the said estate is empowered to sell and convey certain lands situated in that part of Canada called Lower Canada, at the time of the passing of the said Act possessed by the representatives of the said Harriot Judith Hart as well under her will, as under the will of the late Benjamin Hart, her husband; and whereas it appears by the will of the said Benjamin Hart that lot number twelve in the twelfth concession of the township of Reach, in the county of Ontario, in the Province of Ontario, is also part of the estate of the said Harriot Judith Hart, and that the said Benjamin Hart in his lifetime agreed to sell the same to George O'Leary of the said township of Reach, who now prays the passing of this Act; and it is deemed expedient to empower the said curator to convey the said lot of land; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. That section number two of said Act be amended by adding to the end of said section the words "and also lot number twelve in the twelfth concession of the township of Reach, in the county of Ontario, in the Province of Ontario." 26 Vic. ch. 40, s. 2 amended.

THIRD SESSION, FIRST PARLIAMENT.

TABLE OF CONTENTS.

CAPS.	PAGES.
1. An Act for granting to Her Majesty certain sums of money required for defraying the expenses of Civil Government for the year 1870, for making good certain sums expended for the Public Service in the years 1868 and 1869, and for other purposes.	3
2. An Act to authorize the advance of Public Money to a limited amount, to promote the improvement of Land in Ontario by Works of Drainage	11
3. An Act relating to the Indemnity to Members, and the Salary of the Speaker of the Legislative Assembly	16
4. An Act to amend An Act passed in the Session held in the thirty-second year of the reign of Her Majesty, intituled "An Act respecting Elections of Members of the Legislative Assembly."	19
5. An Act to remunerate certain Members of the Court of Error and Appeal.....	19
6. An Act respecting the Appointment of Notaries Public.....	20
7. An Act to make further provisions for carrying out the Act intituled "The Law Reform Act of 1868," and to regulate proceedings on Writs of Error and <i>Certiorari</i>	21
8. An Act to amend sub-sections two and three of section nine of the Act passed in the thirty-second year of Her Majesty Queen Victoria, chaptered six, entitled "The Law Reform Act of 1868," and to repeal section two of chapter one hundred and twenty-one of the Consolidated Statutes for Upper Canada.....	24
9. An Act respecting Law Fees and Trust Funds.....	25
10. An Act to remunerate Sheriffs, Clerks of the Peace, and County Attorneys for services rendered in the County Judges' Criminal Court.....	27
11. An Act respecting proceedings in Judges' Chambers at Common Law	28
12. An Act to amend an Act passed in the Session held in the thirty-second year of the reign of Her Majesty, intituled, "An Act to amend Chapter fifteen of the Consolidated Statutes of Upper Canada, entitled An Act respecting County Courts.".....	30
13. An Act to Amend the Law of Evidence in Civil Causes.....	31
14. An Act to allow certain persons to make a Solemn Affirmation and Declaration instead of an Oath	33

CAPS.	PAGES.
15. An Act to repeal sub-section one of section one hundred and fifty-five of Chapter thirty-one of the Consolidated Statutes of Upper Canada, respecting Jurors and Juries, and to make other provisions in lieu thereof.....	33
16. An Act to amend section seventy-eight of Chapter thirty-one of the Consolidated Statutes of Upper Canada.....	34
17. An Act to amend and extend the provisions of the Act, chaptered thirty, of the Consolidated Statutes for Upper Canada, respecting Interpleading.....	34
18. An Act to amend the law respecting the powers of Executors and Administrators	36
19. An Act to amend the Law Relating to Bills of Lading.....	38
20. Registration of Co-Partnerships Act, 1869	39
21. An Act to amend the Act of the late Province of Canada, passed in the twenty-ninth year of Her Majesty's reign, entitled "An Act to secure to wives and children the benefit of assurances on the lives of their husbands and parents."	42
22. An Act to amend an Act passed in the thirty-second year of Her Majesty's reign, chaptered thirty, of the Statutes of Ontario, intituled, "An Act to provide for the Registration of Births, Marriages and Deaths."	44
23. An Act concerning Sheriff's Sales for Taxes	46
24. An Act to provide for the organization of the Territorial District of Parry Sound.....	53
25. An Act to establish Municipal Institutions in the District of Algoma	58
26. An Act to amend the Act, chaptered fifty-one, passed in the Session held in the twenty-ninth and thirtieth years of the Reign of Her Majesty; the Act of the Province of Ontario, chaptered thirty, passed in the thirty-first year of Her Majesty's reign; and the Act of the said Province, chaptered forty-three, passed in the thirty-second year of Her Majesty's reign.....	63
27. An Act to amend chapter thirty-six of the Statutes of Ontario, entitled "An Act to amend and consolidate the Law respecting the Assessment of Property in the Province of Ontario," passed in the thirty-second year of the reign of Her Majesty.....	66
28. An Act to amend the Act intituled "An Act respecting Tavern and Shop Licenses.".....	68
29. An Act further to extend the time for the registration of Conveyances to Religious Institutions in Ontario.....	70
30. An Act to Incorporate the Toronto, Simcoe and Muskoka Junction Railway Company	71
31. An Act to authorize the Port Hope, Lindsay and Beaverton Railway Company to change the name of their Company, and to extend their line of Railway, and for other purposes.....	80
32. An Act to amend the Act incorporating the Erie and Niagara Ex-	

TABLE OF CONTENTS.

iii

CAPS.	PAGES.
tension Railway Company, and to change the name to the Canada Southern Railway Company.....	83
33. An Act to Incorporate The Canada Air Line Railway Company...	88
34. An Act to Incorporate the Canada Western Air-Line Railway Company.....	96
35. An Act to revive, for a limited purpose, the Charter of the Hamil- ton and Port Dover Railway Company.....	105
33. An Act to authorize the construction of a Railway from some point in the City of Hamilton to Caledonia.....	106
37. An Act to incorporate the Kingston and Madoc Railway Company.	113
38. An Act to legalize the Amalgamation of the Cobourg and Peter- borough Railway Company, and the Marmora Iron Company, and for other purposes.....	122
39. An Act amending the Acts relating to the Port Whitby and Port Perry Railway Company.....	125
40. An Act to amend the Act to Incorporate the Peterborough and Haliburton Railway Company.....	129
41. An Act to amend the Act passed in the Session held in the thirty- first year of Her Majesty's Reign, chaptered forty, intituled an Act to Incorporate the Toronto, Grey and Bruce Railway Com- pany, and the Act passed in the Session held in the thirty- second year of Her Majesty's Reign, chaptered eighty-two, amending the same.....	136
42. An Act to amend the Act passed in the thirty-first year of the reign of Her Majesty, chaptered forty-one, intituled An Act to incorporate the Toronto and Nipissing Railway Company, and the Act amending the same, passed in the thirty-second year of the reign of Her Majesty, chaptered eighty-three.....	138
43. An Act respecting the Fair Ground of the County of Oxford.....	141
44. An Act to amend the Act incorporating the President, Directors, and Company of the Port Credit Harbour.....	143
45. An Act to Incorporate the Inland Water Transportation Company.	145
46. An Act to Incorporate the Mississippi Navigation Company.....	151
47. An Act to Incorporate the Toronto House Building Association...	156
48. An Act to Incorporate certain persons under the name of the Toronto Wharf and Warehousing Company.....	160
49. An Act to Incorporate "The Ontario Peat Company.".....	166
50. To amend the Act of Incorporation of the Cobourg Cemetery Com- pany, and to extend to said Company the provisions of Chapter sixty-seven of the Consolidated Statutes for Upper Canada, and for other purposes.....	170
51. An Act to Incorporate the "Weston Church School.".....	171
52. An Act to Incorporate the Nazrey Institute.....	172
53. An Act to amend the Act Incorporating the Wesleyan Female College of Hamilton.....	174

CHAPS.	PAGES.
54. An Act to Incorporate the Ottawa Ladies' College.....	175
55. An Act respecting the Primitive Methodist Connexion.....	181
56. An Act to confirm and legalise a sale and conveyance by The Church Society of the Diocese of Huron, of certain premises in the Town of Galt, to the Reverend Michael Boomer, D.D.....	183
57. An Act to authorize the Church Society of the Diocese of Huron to sell certain Church land in the Township of Goderich.....	184
58. An Act to authorize the Trustees of the McNab Street Wesleyan Methodist Church, in the City of Hamilton, to sell and convey certain Real Estate vested in them, and to apply the proceeds in payment for another Church	184
59. An Act to appoint Trustees for certain Lands belonging to the Presbyterian Church, in connection with the Church of Scotland, in the Townships of Dummer and Asphodel, in the County of Peterborough	187
60. An Act to authorize the Trustees of the Presbyterian Church, in the Township of Finch, in the County of Stormont, in connection with the Church of Scotland, to sell Lot number Fourteen, in the Fifth Concession of the said Township.....	189
61. An Act to empower the Ottawa Mechanics' Institute and Athenæum, and the Ottawa Natural History Society to amalgamate into one corporate body under the name of "The Ottawa Literary and Scientific Society.".....	190
62. An Act to facilitate the withdrawal of the Town of Perth, in the County of Lanark, from the jurisdiction of the Council of the County of Lanark, and to provide for the liability of the Town for its share of the County debt.....	192
63. An Act to divide the Township of Marysburgh into two Municipalities	193
64. An Act to authorize the Corporation of the Township of Collingwood, in the County of Grey, to construct certain works and acquire certain lands at the mouth of Beaver River in the said Township.....	194
65. An Act to enable the Corporation of the Town of Chatham to dispose of certain lands.....	196
66. An Act to legalize, confirm and establish the re-survey of the Town of Chatham, in the Province of Ontario.....	197
67. An Act to legalize and confirm the Survey made by F. F. Passmore, Esquire, Provincial Land Surveyor, of the First, Second, Third and Fourth Concessions (old survey) of the Township of Melancthon, in the County of Grey	198
68. An Act to confirm certain Side Roads in the Township of Tilbury East, and to provide for the defining of other road allowances and lines in the said Township.....	199
69. An Act to authorize the closing of certain streets in Elora in conformity with a By-law of said Village.....	201

TABLE OF CONTENTS.

v

CAPS.	PAGES.
70. An Act to amend an Act passed in the Session held in the twenty-fourth year of Her Majesty's Reign, intituled, "An Act to consolidate the debt of the Town of Peterborough, and to authorize the issue of Debentures on the security of Town property, and for other purposes.".....	203
71. An Act to exempt from Municipal Taxation for a certain period therein mentioned, a Sugar Refinery proposed to be erected in the City of Toronto.....	205
72. An Act to enable Donald Alexander Macdonald to construct a Canal in the Township of Kenyon.....	206
73. An Act to amend an Act, intituled "An Act for the relief of the representatives of the late David B. Ogden Ford.....	209
74. An Act to provide for the conveyance of land sold by the late Zephaniah Swift More Hersey, and to authorize the sale of certain Village Lots belonging to his estate	210
75. An Act to amend an Act passed in the Session held in the twenty-sixth year of the reign of Her Majesty Queen Victoria, and chaptered forty.....	213

INDEX

TO

ACTS OF THE PROVINCE OF ONTARIO.

THIRD SESSION, FIRST PARLIAMENT, 33 VICTORIA.

ACTS AMENDED OR REPEALED.

Cons. Stat., U. C., ch. 10, s. 29,	33 Vic. by ch. 9.
" " " " 12, s. 11,	" "
" " " " 13, s. 65,	" "
" " " " 15,	" " s. 1.
" " " " s. 3,	" 12, s. 1.
" " " " ss. 67, 68,	" 7, s. 13.
" " " " 16,	" 9.
" " " " 19,	" 9.
" " " " 30,	" 17.
" " " " 31, s. 78,	" 16.
" " " " s. 155, sub-s. 1,	" 15.
" " " " 32, s.s. 3, 4, 5, 18,	" 13, s. 1.
" " " " 33,	" 9.
" " " " 35, s. 26,	" "
" " " " 69, s.s. 1, 2,	" 29.
" " " " 121, s. 2,	" 8, s. 4.
4 Wm. IV., " 32,	" 44.
24 Vic., " 61,	" 70.
" " " 112,	" 53.
25 " " 103,	" 73.
26 " " 40,	" 75.
27 & 28 Vic., " 5,	" 9, s. 1.
29 " " 17,	" 21.
29 & 30 " " 51, s. 87,	" 26, s. 1.
" " " " s. 88,	" " s. 1.
" " " " s. 89,	" " s. 1.
" " " " s. 90,	" " s. 1.
" " " " s. 284, sub-s. 3,	" " s. 4, 1.
" " " " s. 296, " 8,	" " s. 5, 1.
" " " " " 10,	" " s. 6, 1.
" " " " " 56,	" " s. 7, 1.
" " " " s. 329,	" " s. 8, 1.
" " " " s. 330,	" " s. 9, 1.
" " " " s. 331,	" " s. 10, 1.

29 & 30 Vic.	ch. 51, s. 341, sub-s. 4, by ch. 26, s. 16.	33 Vic.
"	" " " s. 345,	" " s. 11.
"	" " " s. 352,	" " s. 12.
"	" " " s. 353, sub-s. 2,	" " s. 13, 1.
31	" " 14,	" 32.
"	" " 30, s. 6,	" 26, s. 2.
"	" " 30, s. 44,	" " s. 15.
"	" " 40,	" 41.
"	" " 41,	" 42.
"	" " 42,	" 39.
32	" " 1, s. 6,	" 5, s. 1.
"	" " 6,	" 7.
"	" " s. 5,	" 7, s. 13.
"	" " s. 9, sub-s. 2,	" 8, s. 1.
"	" " s. 9, sub-s. 3,	" 8, s. 2.
"	" " s. 17, sub-s. 5,	" 7, ss. 5, 8.
"	" " s. 18, sub-s. 2,	" 7, s. 6.
"	" " 21, s. 25,	" 4, s. 1.
"	" " 22, s. 2,	" 12, s. 1.
"	" " 30,	" 22.
"	" " 32, s. 1,	" 28, s. 1.
"	" " s. 6, sub-s. 1,	" " s. 2.
"	" " s. 7,	" " s. 3.
"	" " s. 12,	" " s. 4.
"	" " s. 14,	" " s. 5.
"	" " s. 18,	" " s. 6.
"	" " s. 21,	" " s. 7.
"	" " s. 29,	" " s. 8.
"	" " 36 s. 9, sub-s. 12,	" 27, s. 1.
"	" " s. 9, " 14,	" " s. 2.
"	" " s. 9, " 17,	" " s. 3.
"	" " s. 9, " 22,	" " s. 4.
"	" " s. 30,	" " s. 5.
"	" " s. 71, sub-s. 2,	" " s. 12.
"	" " s. 89,	" " s. 6.
"	" " s. 103,	" " s. 7.
"	" " s. 111,	" " s. 9.
"	" " s. 132,	" " s. 11.
"	" " s. 138, sub-s. 2,	" " s. 3.
"	" " s. 156,	" " s. 10.
"	" " 43, s. 1,	" 26, s. 14.
"	" " 60, s. 4,	" 39, s. 3.
"	" " 61,	" 40.
"	" " 82,	" 41.
"	" " 83,	" 42.
32 & 33 " Ca.,	" 35,	" 10.

PAGES.

ADMINISTRATOR, with will annexed, bond, &c., on appointment of	36
" " " powers as to realty.....	37
Affirmation in lieu of oath.....	33
Aldwell. See Toronto.	
Algoma, establishment of Municipal Institutions in.....	58

	PAGES.
Amended Acts. <i>See</i> Acts.	
Appeal of County Court causes, practice on	23
Assessment laws amended. <i>See</i> Acts amended and repealed	66
Assurance. <i>See</i> Insurance.	
Audit of County accounts, &c	25
" Board of, and payment to.....	25
BEAVER RIVER, authority to Township of Collingwood to construct harbour, &c., at mouth of, and for grant of lands in aid of.....	194
Bills of Lading, rights and liabilities of endorser, &c	39
" " as evidence against signer of.....	39
Births, Act as to registration of, amended.....	44
Boomer, Rev. M., sale to by Church Society of Huron legalized.....	183
Building Societies, assessment law as to, amended	66
CANADA AIR LINE RAILWAY COMPANY, incorporated.....	88
Canada Southern Railway Company, powers to. <i>See</i> Erie and Niagara Extension Railway.....	83
Canada Western Air Line Railway Company, incorporated.....	96
Certiorari, on removal of County Court cause, no proceedings <i>de novo</i>	22
" when jurisdiction of County Court ousted	22-3
Chambers, Judges, at Common Law, provisions as to.....	28
" " Judge of Assize in Toronto may sit in.....	28
" " " in any County, when may sit in... ..	28
" " power to every Judge of Superior Court as to mat- ters in.....	29
" " power to make rules to authorize Clerk of the Crown in Q. B. to sit in, &c.....	29
" " power to make rules as to practice in, &c.....	29
" " Clerk of the Crown sitting in, appeal from	30
Chatham, Corporation of Town of, empowered to sell certain lands... ..	196
" Town of, Kirk and Salter's resurvey of, confirmed.....	197
Church Society of Huron empowered to sell certain land	184
Clergyman, assessment law as to, amended	66
Clerk of the Crown. <i>See</i> Chambers.	
Clerks of the Peace, fees to for services under 32 & 33 Vic., ch. 35.....	27
Cobourg Cemetery Company, amendment of Act of Incorporation; and powers to	170
Cobourg and Peterborough Railway Company, Act to legalize amalga- mation with Marmora Iron Company, and mortgages; further powers, &c.....	122
Collingwood, Township of. <i>See</i> Beaver River.	
Common School Fund, &c., to be part of Con. Rev. Fund.....	27
Consolidated Revenue Fund, certain funds to form part of.....	27
Conveyances. <i>See</i> Religious Institutions.	
Copartnership. <i>See</i> Partnership.	
County Attorneys, fees to for services under 32 & 33 Vic., ch. 35.....	27
County Court causes, practice on appeal of	23
" " causes tried at Assizes, provisions as to.....	21-2
" " sittings to be held in April and October	22
" " causes removed by Certiorari	22-3

County Court Judges, tenure of office.....	30
“ “ of York, Junior Judge may sit in Chambers.....	24
DEATHS, Act as to registration of, amended	44
Debentures, Municipal, in exchange for others, how issued.....	66
Drainage, Act as to advance of public money for.....	11
“ Commissioner of Public Works, duties of	11, 12
“ arbitrators, duties of	12, 13, 15
“ award, when binding; inspection of, &c.....	13
“ charge for, how collected, &c	13, 14
“ “ “ how payable to Treasurer of Ontario.....	14
“ lease, provisions in case of.....	14
“ Crown Lands, provisions as to	15
“ title, &c., differences as to.....	15
ELECTION. <i>See</i> Members of Legislative Assembly.	
Elora, Village of, Gilkeson's survey annulled in part.....	202
“ “ a certain tax sale confirmed	202
“ “ certain conveyances in may be registered.....	202
Erie and Niagara Extension Railway Company, name of changed, &c.;	
<i>See</i> Canada Southern Railway	83
Error and Appeal, remuneration to members of Court of.....	19
Error, when only writ of will lie to County Court	23
“ practice on writ of.....	23
Evidence, law of in civil matters, amended.....	31
“ witness not incapacitated by crime or interest.....	31, 32
“ in case of husband and wife.....	22
“ on questions tending to criminate.....	32
“ in cases of personal representatives.....	32
Executor, power to convey realty.....	37, 38
FAIR GROUND. <i>See</i> Oxford.	
Ford, O. P., appointed trustee in lieu of D. F. Jones	209
Funds, certain, to form part of Con. Rev. Fund	27
HAMILTON AND LAKE ERIE Railway Company, incorporated...	106
Hamilton and Port Dover Railway Co., and actions, &c., as to, revived	
for certain purposes	105
Hart, H. J., curator of estate of, authorized to sell certain land in	
Reach.....	213
Hersey, Z. S. M., certain powers as to real estate of, granted to C. M.	
Hersey	210
Huron. <i>See</i> Church Society—Boomer.	
INDEMNITY to Members of Legislative Assembly.....	16
Inland Water Transportation Company, incorporated.....	145
Inn. <i>See</i> Licenses, Taverns.	
Insurance, Life, moneys payable to minors on	43
“ “ “ “ “ “ “ investment of, &c.....	43
“ “ policy under 29 Vic. may be surrendered, &c.....	44
“ “ “ “ “ “ and death of beneficiary.....	44
Interplead, bailee or carrier may	35

	PAGES.
JUDGES OF COUNTY COURTS, tenure of office	30
Jurors' expenses. <i>See</i> Municipal Law	34
Justices of the Peace, remuneration for drafting panel of Jurors.....	34

KINGSTON AND MADOC Railway Company, incorporated	113
--	-----

LANARK, County of. *See* Perth.

Law fees and stamps, provisions as to.....	25, 26
Law Reform Act of 1868, provisions as to.....	21, 24, 25
“ “ “ “ powers to Judge of Assize as to County Court causes, &c	21
“ “ “ “ powers of the Court on motion against.	
“ “ “ “ <i>See</i> Acts repealed, Acts amended, County Court.	

Law Society, annuity to, in lieu of law fees.....	26
---	----

Legislative Assembly, indemnity to Members of	16
---	----

“ “ Speaker of, salary to	16, 18
---------------------------------	--------

Licenses, Tavern and Shop, laws as to, amended	68
--	----

“ “ “ “ <i>See</i> Acts repealed, Acts amended.	
---	--

Life Insurance. *See* Insurance.

Liquors. *See* Licenses.

MACDONALD, D. A., powers to, as to construction of a canal in the Township of Kenyon	206
--	-----

Marmora Iron Company, Act to legalize amalgamation with Cobourg and Peterborough Railway Company, and mortgages; further powers, &c.....	122
--	-----

Marriages, Act as to registration of, amended	44
---	----

Marysburgh, Township of, divided into two Municipalities.....	193
---	-----

Melancthon, Passmore's survey in, established	198
---	-----

Members of Legislative Assembly, Act as to election of, amended.....	19
--	----

“ “ “ real property qualification abolished	19
---	----

“ “ “ indemnity to.....	16
-------------------------	----

Methodist Connexion. *See* Primitive Methodist Connexion.

Midland Railway of Canada, powers to.....	80
---	----

“ “ “ “ <i>See</i> Port Hope, Lindsay and Beaverton Railway.	
--	--

Mineral lands, assessment law as to, amended	67
--	----

Ministers, assessment law as to, amended.....	66
---	----

Mississippi Navigation Company, incorporated.....	151
---	-----

Municipal law, amendment and extension of. <i>See</i> Acts amended and repealed	25 63
---	-------

“ “ City or Town withdrawn from County, jurors' expenses	34
--	----

McnAB STREET WESLEYAN METHODIST CHURCH, Hamilton, Trustees of empowered to convey certain land.....	186
---	-----

NAZREY INSTITUTE, incorporated	172
--------------------------------------	-----

Notaries Public, power to appoint	20
---	----

“ “ prior appointments of, confirmed.....	20
---	----

	PAGES.
OATH, affirmation in lieu of	33
Ontario Peat Company, incorporated	166
Ottawa Ladies' College, incorporated	175
Ottawa Literary and Scientific Society, incorporated	190
" Mechanics' Institute and Athenæum, dissolved	190
" Natural History Society, dissolved	190
Oxford, the fair ground of the County of, powers granted to Municipality as to	141
PARRY SOUND, territorial district of, established	53
Partnership, to compel registry of members of, &c	39
Perth, town of, provisions as to arbitration on the amount to be paid to the County of Lanark, and as to liability under Municipal Loan Fund Act	192
Peterborough, Commissioners of Town Trust, powers granted to	203
" Town of, authorized to issue debentures for school purposes	205
" " By-law 235 confirmed	205
Peterborough and Haliburton Railway Company, amendment of Act of Incorporation	129
Port Credit Harbour Company, amendment of Act of Incorporation	143
Port Hope, Lindsay and Beaverton Railway Company, name of changed, &c. <i>See</i> Midland Railway	80
Port Whitby and Port Perry Railway Company, to amend Act of Incorporation, declare valid certain by-laws, and enable Municipalities to aid	125
Presbyterian Church, to appoint Trustees and authorize sale of certain lands in Dummer and Asphodel	187
" " authorized to sell certain land in Finch	189
Primitive Methodist Connexion, powers of sale, and exemption from control, as to real estate, given to	181
RAILWAYS. <i>See</i> Toronto, Simcoe and Muskoka—Midland Railway of Canada—Port Hope, Lindsay and Beaverton Railway Company—Erie and Niagara Extension Railway Company—Canada Southern Railway Company—Canada Air Line Railway Company—Canada Western Air Line Railway Company—Hamilton and Port Dover Railway Company—Hamilton and Lake Erie Railway Company—Kingston and Madoc Railway Company—Cobourg and Peterborough Railway Company—Marmora Iron Company—Port Whitby and Port Perry Railway Company—Peterborough and Haliburton Railway Company—Toronto, Grey and Bruce Railway Company—Toronto and Nipissing Railway Company.	
Repealed Acts. <i>See</i> Acts.	
Religious Institutions, to extend time for registry of conveyances to	70
SHERIFFS, fees to, for services under 32 & 33 Vic., ch. 35	27
Sheriffs' sales for taxes. <i>See</i> Taxes.	
Shop licenses. <i>See</i> Licenses.	
Speaker of Legislative Assembly, salary to	16, 18

	PAGES.
Stamps, law, provisions as to	26
Supplies.....	1
TAVERNS, laws as to, amended. <i>See</i> Licenses	68
Taxation, power to exempt from	65
Taxes, sales for, made valid in certain cases.....	46
“ costs and suits wherein invalid sales made valid.....	48
“ right of entry adverse to sale for, not assignable.....	49
“ after invalid sale for, purchaser entitled to improvements, &c..	50
“ on invalid sale for, purchaser to have lien for purchase money, &c	52
“ mode of sale for by Treasurer regulated.....	67
<i>See</i> Assessment Laws.	
Tilbury East, certain side roads in, &c., established.....	199
Toronto, Aldwell's sugar refinery, when erected, exempted from taxes.	205
Toronto, Grey and Bruce Railway Company, amendment of Acts re- lating to.....	136
Toronto and Nipissing Railway Company, amendment of Acts relating to	138
Toronto House Building Association, incorporated	156
Toronto, Simcoe and Muskoka Junction Railway, incorporated.....	71
Toronto Wharf and Warehousing Company, incorporated	160
UPPER CANADA GRAMMAR SCHOOL LANDS, Fund and Income	
Fund to be part of Con. Rev. Fund ...	27
“ “ Building Fund to be part of Con. Rev. Fund ...	27
WESLEYAN FEMALE COLLEGE OF HAMILTON, charter amend- ed	174
Weston Church School, incorporated.....	171
Witness. <i>See</i> Evidence, Affirmation.	



